CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA

DATE: Thursday, February 13, 2014
TIME: Meeting to begin at 5 p.m.
PLACE: West Conference Room, 1777 Broadway

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE GIVEN BY THE CITY OF BOULDER, BOARD OF ZONING ADJUSTMENT, AT THE TIME AND PLACE SPECIFIED ABOVE. ALL PERSONS, IN FAVOR OF OR OPPOSED TO OR IN ANY MANNER INTERESTED IN ANY OF THE FOLLOWING VARIANCES FROM THE LAND USE REGULATIONS, TITLE 9, BOULDER REVISED CODE 1981; MAY ATTEND SUCH HEARING AND BE HEARD IF THEY SO DESIRE. (APPLICANT OR REPRESENTATIVE MUST APPEAR AT THE MEETING.)

1. **CALL TO ORDER**
2. **BOARD HEARINGS**

Docket No.: BOZ2014-00001
Address: 1305 Pine Street
Applicant: Kimbal Musk
Variance to Owners Accessory Unit floor area limitation: As a part of a proposal to convert an existing two-story detached garage into an Owners Accessory Unit (OAU) through internal conversion only; the applicant is requesting a variance to allow for the existing 791 square foot detached garage to be converted into a 649 square foot OAU, where 450 square feet is allowed. Section of the Land Use Regulations to be modified: Section 9-6-3, BRC 1981.

Docket No.: BOZ2014-00002
Address: 300 19th Street
Applicant: Jonathan Anderson
Setback Variance: As a part of a proposal to raise the roof above an existing non-standard building; the applicant is requesting a variance to the side yard setback requirements of the RL-1 zoning district. The increase in height to the roof results in a single story building with the following: **a side yard setback of 4' where 25' is required and where 4'** exists. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Docket No.: BOZ2014-04
Address: 2003 Pine Street
Applicants: Andrew and Kristen MacDonald
Setback Variance: As a part of a proposal to rehabilitate and to construct an addition on to an existing accessory building that is on a property that has been made a local historic landmark, the applicants are requesting a variance to the rear and side yard from a street setback requirements of the RMX-1 zoning district. More specifically, the applicants are requesting to relocate the building that is currently situated such that portions of it cross the west and north property lines. The proposed rear yard setback will be 1'-0" where 0' or 3'-0" is required and where the current location of the building is within the alley right-of-way. Similarly, the proposed side yard setback from a street will be 1'-0" where 12'-6" is required and where the current location is within the 20th Street right-of-way. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

3. **GENERAL DISCUSSION**
   - **A. Approval of Minutes**
     The December 12, 2013 BOZA minutes are scheduled for approval.
   - **B. Matters from the Board**
   - **C. Matters from the City Attorney**
   - **D. Matters from Planning and Development Services**
4. **ADJOURNMENT**

For more information call Brian Holmes or Susan Meissner at 303-441-1880 or via e-mail holmesb@ci.boulder.co.us. Board packets are available at the Boulder Public Main Library's Reference Desk, or at the Planning Department reception area.

*** * * SEE REVERSED SIDE FOR MEETING GUIDELINES * * ***

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING GUIDELINES

CALL TO ORDER

The board must have a quorum (three members present) before the meeting can be called to order.

AGENDA

The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.

ACTION ITEMS

An action item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. **Presentations**
   - Staff presentation.*
   - Applicant presentation.*Any exhibits introduced into the record at this time must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
   - Board questioning of staff or applicant for information only.

2. **Public Hearing**

   Each speaker will be allowed an oral presentation.*
   - Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
   - Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record. When possible, these documents should be submitted in advance so staff and the board can review them before the meeting.
   - Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the board uses to decide a case.
   - Any exhibits introduced into the record at the hearing must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
   - Citizens can send a letter to Planning and Development Services staff at 1739 Broadway, Boulder, CO 80302, two weeks before the board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the board meeting.

3. **Board Action**
   - Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
   - Board discussion. This is undertaken entirely by members of the board. The applicant, members of the public or city staff participate only if called upon by the Chairperson.
   - Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action. If the vote taken results in a tie, a vote of two to two, two to one, or one to two, the applicant shall be automatically allowed a rehearing. A tie vote on any subsequent motion to approve or deny shall result in defeat of the motion and denial of the application.

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

Any board member, Planning and Development Services staff, or the City Attorney may introduce before the board matters, which are not included in the formal agenda.

*The Chairperson, subject to the board approval, may place a reasonable time limitation on presentations.

City of Boulder Planning and Development Services
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevelop.net

BOZA
VARIANCE APPLICATION

**APPLICATION DEADLINE IS 4:00 P.M. ON THE THIRD WEDNESDAY OF EACH MONTH.
MEETING DATE IS 5:00 P.M. ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.**

Submittal of inaccurate or incomplete information will result in rejection of the application.

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 1305 Pine St.
- Legal Description: Lot 7 Block 148 Subdivision _____ (Or attach description.)
- Existing Use of Property: Single Family Residential
- Description of proposal:

Requesting a floor area size variance for an OAU inside an existing building designated a historic landmark. The existing steel support frame and mezzanine diaphram can not be modified further than what is proposed without the risk of destablizing the entire structure.The proposed new walls within the structure, combined with the existing (failing) stone walls, measures approximately +20" thick.
No new building coverage or height change is requested.

*Total floor area of existing building: 763	*Total floor area proposed: 615
*Building coverage existing: 435	*Building coverage proposed: no change
*Building height existing: no change	*Building height proposed: no change

*See definitions in Section 9-16-1, B.R.C. 1981.

- **Name of Owner:** Kimbal Musk
- Address: 1305 Pine St Telephone: _____
- City: Boulder State: CO Zip Code: 80302 FAX: _____
- **Name of Contact (if other than owner):** Steven Perce - architect
- Address: 1919 14th St, Ste. 500 Telephone: (303) 357-1364
- City: Boulder State: CO Zip Code: 80302 FAX: _____

STAFF USE ONLY

Doc. No. BOZ2014-00001 Date Filed 01/03/2014 Zone RMX-1 Hearing Date _____
Application received by: JMG Date Fee Paid _____ Misc. Rect # _____

Pam

APPLICATION TYPES

- ☐ Setback Variance
- ☐ Sign Variance
- ☐ Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- Any other information pertinent to the request (**11 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

NOTE: The applicant is responsible for posting the property in compliance with city requirements. Signs will be provided to the applicant at the time of submission of the application. The applicant will submit a posting affidavit within 10 days of the date of application. Failure to submit the affidavit may result in the postponement of the hearing date.

NOTE: SEE SECTION 9-2-3(I), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature _____ Date _____

SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS - Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be place on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, STEVEN PERCE (PRINT NAME OF APPLICANT OR CONTACT PERSON), am filing a Land Use Review or Technical Document Review application [on behalf of the property owner(s) KIMBAL MUSK (PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)] for property located at 1305 PINE ST. (PRINT PROPERTY ADDRESS OR LOCATION). I have read the city's sign posting requirements above and acknowledge and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.

2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.

3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).

4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

STEVEN PERCE
NAME OF APPLICANT OR CONTACT PERSON

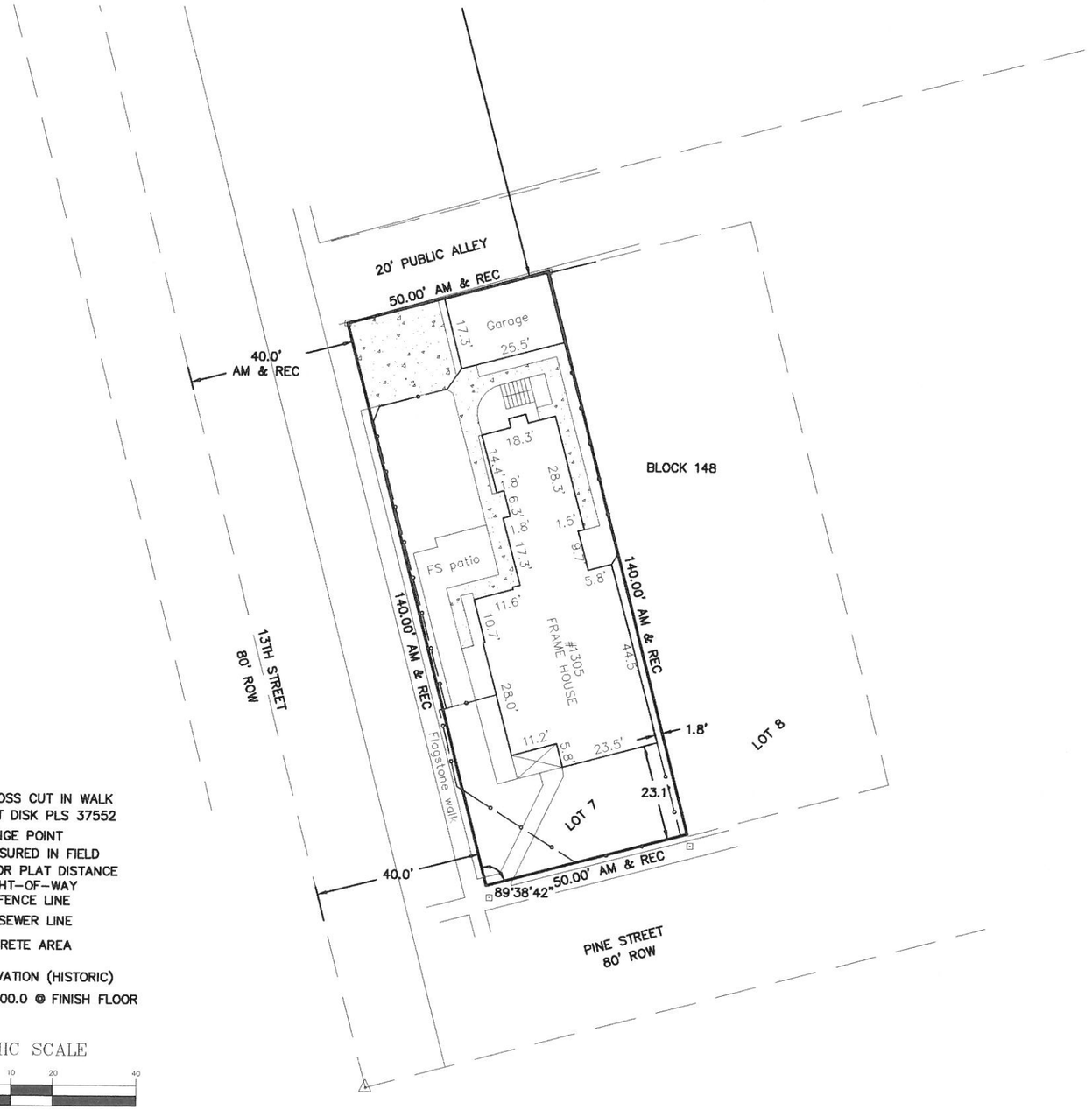
12/31/2013
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

BOUNDARY, IMPROVEMENT AND TOPOGRAPHIC SURVEY

PARCEL LOCATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN

1305 PINE STREET



LOT 7, BLOCK 148, BOULDER, CITY AND COUNTY OF BOULDER, STATE OF COLORADO.

I HEREBY CERTIFY THAT ON OCTOBER 2, 2013 A SURVEY WAS MADE OF THE ABOVE DESCRIBED PROPERTY UNDER MY DIRECT SUPERVISION AND THE CORNERS WERE SET AS SHOWN, HOLDING FOUND POINTS AND PLAT DISTANCES WHEREVER POSSIBLE. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE PARCEL ON THIS DATE, OCTOBER 2, 2013 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES EXCEPT AS INDICATED, AND THAT THERE IS NO EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

CURTIS E CARROLL, PLS
COLORADO REG. #37552

10/8/2013

1. NOTICE:
ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. MONUMENT DEFACING STATEMENT:
ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY BEAR CREEK LAND SURVEYING (SURVEYOR) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, THE SURVEYOR RELIED UPON RECORDED PLAT AND INFORMATION SUPPLIED BY CLIENT

4. PROFESSIONAL LAND SURVEYOR SEAL, DEPICTED HEREON, VALID ONLY WITH WET SIGNATURE AND DATE WRITTEN THROUGH IT.

5. SUBJECT PARCEL CONTAINS 7,000 SQUARE FEET MORE OR LESS

LEGEND
- FOUND CROSS CUT IN WALK
- SET OFFSET DISK PLS 37552
- FOUND RANGE POINT
- AM – AS MEASURED IN FIELD
- REC – DEED OR PLAT DISTANCE
- R-O-W – RIGHT-OF-WAY
- FENCE LINE
- —— SS ←—— SEWER LINE
- CONCRETE AREA
- X 98.8 SPOT ELEVATION (HISTORIC)
- BENCHMARK: 100.0 @ FINISH FLOOR

NORTH

GRAPHIC SCALE

-20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

COUNTY SURVEYOR'S CERTIFICATE:

DEPOSITED THIS _____DAY OF_____, 2013, AT_____M. IN BOOK_____ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHT-OF-WAY SURVEYS AT PAGE_____, RECEPTION NUMBER_____.

1305 PINE STREET

BEAR CREEK LAND SURVEYING
8801 WEST JEWELL PLACE
LAKEWOOD, CO 80227
PHONE (720)-933-4791

01/22/2014
Property Location: 1305 Pine St, Boulder

BOZA VARIANCE OUTLINE

The proposal is to convert a carriage house that is a designated historic structure, into an Owners Accessory Unit. This variance proposal is for a change to the building floor area limitation as stated in Chapter 9.6.3 (a)(4)(B)(v)g: *The owner's accessory unit is in a building that has a building coverage of less than five hundred square feet and the owner's accessory unit does not exceed four hundred fifty square feet of floor area.*

The stone carriage house, built in the late 1800's, is a landmarked historic structure with a building footprint of 439 sq. ft. There are several reasons why this structure cannot be used as a garage to park vehicles: there is not enough backup distance between the carriage house and adjacent property; the exterior doors are not wide enough to safely accommodate today's vehicles; the interior dimension of the space, combined with the access door from the yard, is not deep enough to accommodate a vehicle. These factors combined with the condition that the property owner has extended family living with him, converting the carriage house to an OAU would allow for more space, ease this condition and make better use of the building. The current zoning allows for an OAU on the property.

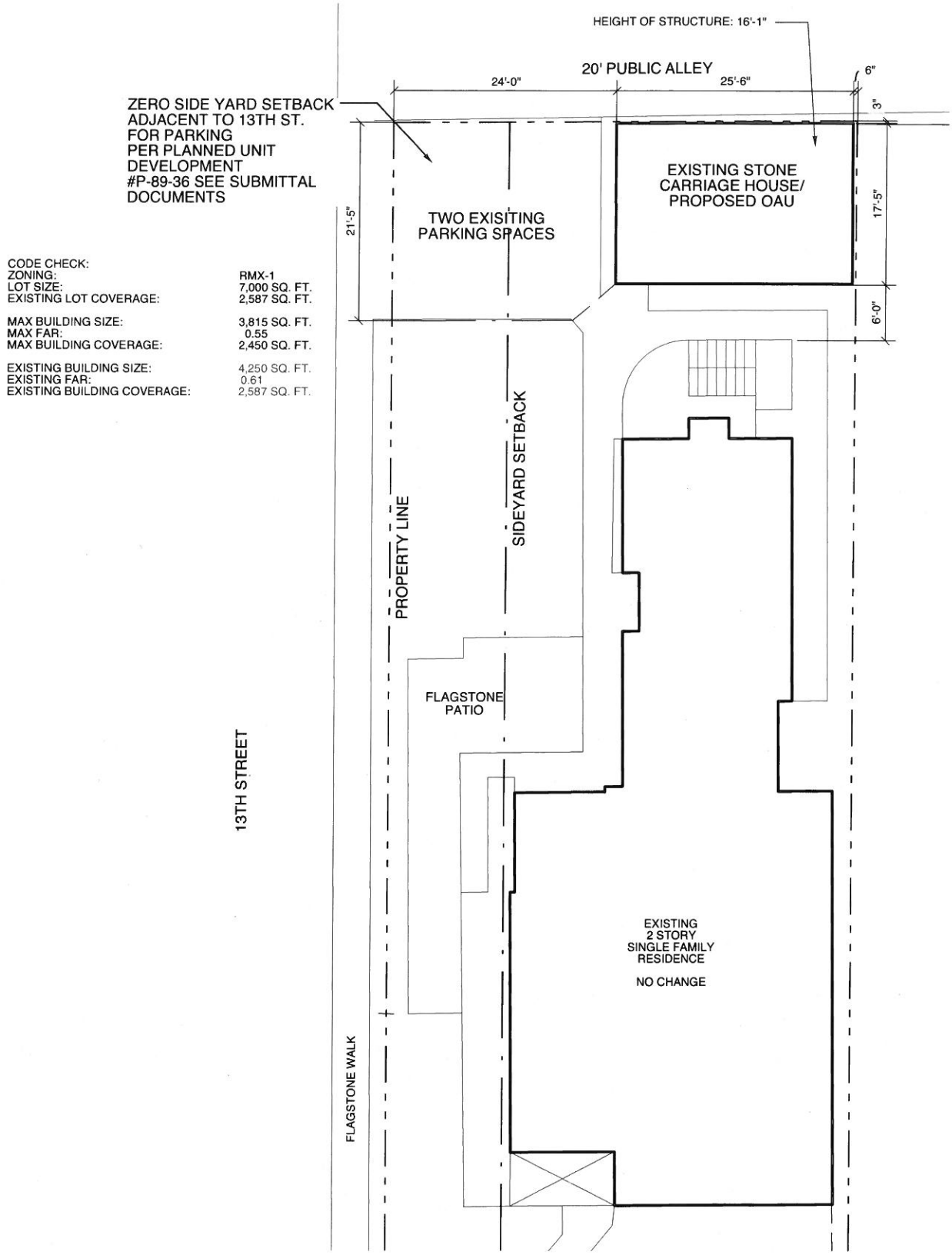
At some point in the past, an interior steel structure was placed inside of the building to shore up the failing original exterior stone walls. This structure consists of steel posts and beams around the interior perimeter of the building as well as a steel diaphragm for lateral bracing placed at the same height of the perimeter steel beams (approximately 7'-6" off the ground). This steel diaphragm and perimeter beams are bolted to the top of the stone walls which allows the walls to hold up the roof structure. This diaphragm structure is currently used as a mezzanine storage area. As measured by the current code definition of floor area, the carriage house has a floor area of 791 sq. ft., which includes the ground floor and the mezzanine created by the structural diaphragm. The downstairs floor area meets the criteria for OAU size (450 sq. ft;), but the proposed mezzanine area creates an additional 209 sq. ft. This proposal has reduced the existing mezzanine area (209 sq. ft. down from 351 sq. ft.), which places the proposed total floor area of the OAU to 649 sq. ft.

The mezzanine area could be made inaccessible from the interior space by closing it off from the area below, but this would require it to be accessed from outside the building. Accessing this from the exterior would require a new stair on the exterior of the building requiring a variance from BOZA to add square footage to the building coverage of the property, as the current buildings already exceed the maximum allowed by 137 sq. ft. A new exterior access door and stair will also require approval from the Landmarks Board.

Maintaining access to this mezzanine from inside of the building would be the least intrusive way forward. It would not alter the exterior of the historic structure and would not require a variance from BOZA for increasing an already non-conforming maximum building coverage on the property.

The current stone block walls are very unstable which is evidenced by serious cracking, loose mortar and stone, and in some areas serious leaning away from vertical. It is proposed to place a new wall filled with spray foam insulation around the inside perimeter of the building to lock the existing stone in place to mitigate the further deterioration of the original structure. The existing stone walls range from 13"-15" thick. The proposed interior walls would increase this depth another 4-5 inches.

When measuring the floor area by the definition given in the code (from the exterior face of the existing exterior walls), the total proposed floor area is 649 sq ft. Due to the thickness of the existing stone walls and the new interior walls, the usable floor area is reduced to 465 sq. ft.



1 / A1.0 SITE DEVELOPMENT PLAN
SCALE: 1" = 10'

bldg.collective
1919 14th St., Ste. 500, Boulder, CO 80305
ph: 303-357-1364
www.bldgcollective.com

OAU
1305 Pine Street
Boulder, Colorado 80302

N

01/22/2013

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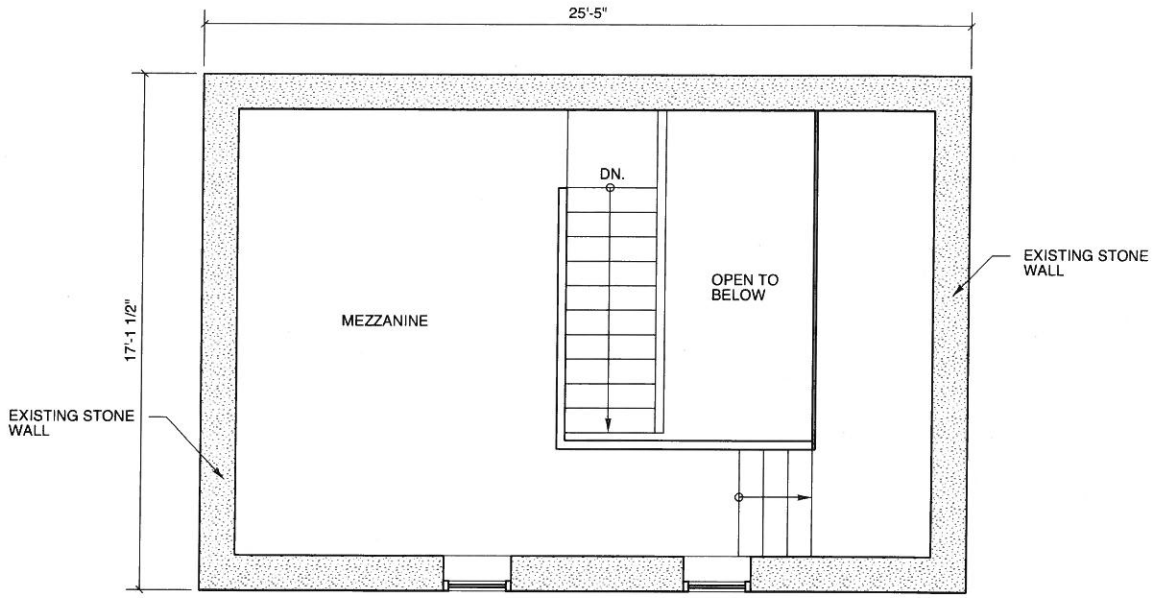
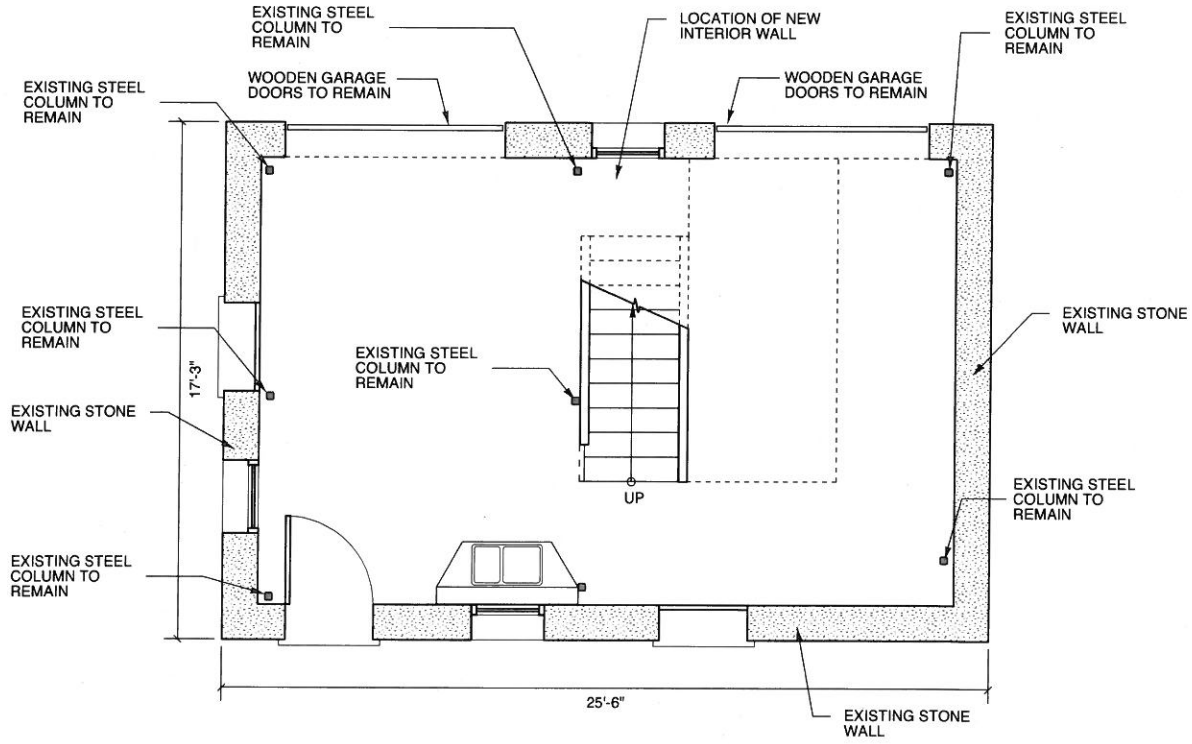


1 / A2.0 EXISTING MEZZANINE PLAN- 351 SQ. FT.
SCALE: 1/4" = 1'-0"



2 / A2.0 EXISTING LOWER LEVEL PLAN - 440 SQ. FT.
SCALE: 1/4" = 1'-0"

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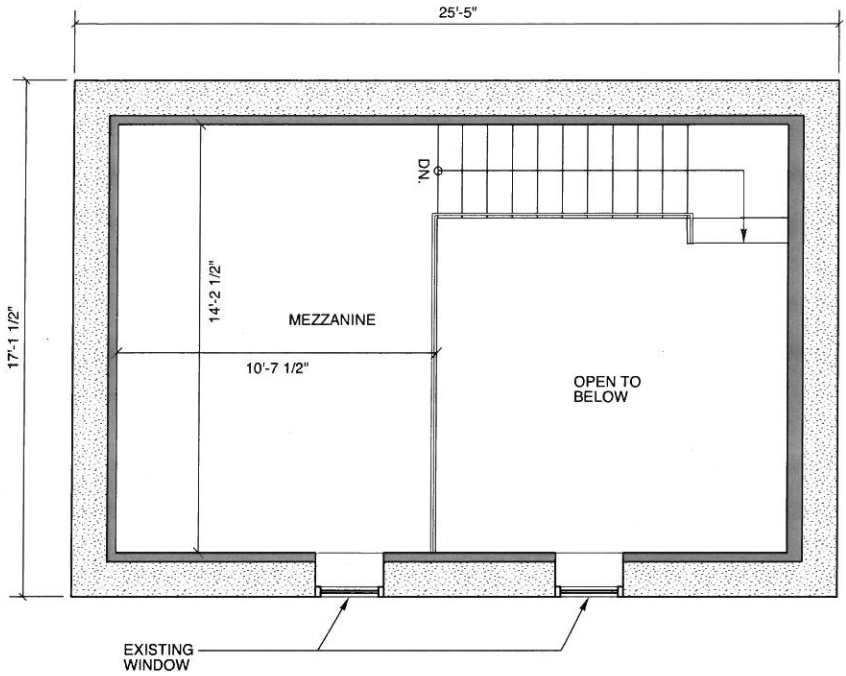
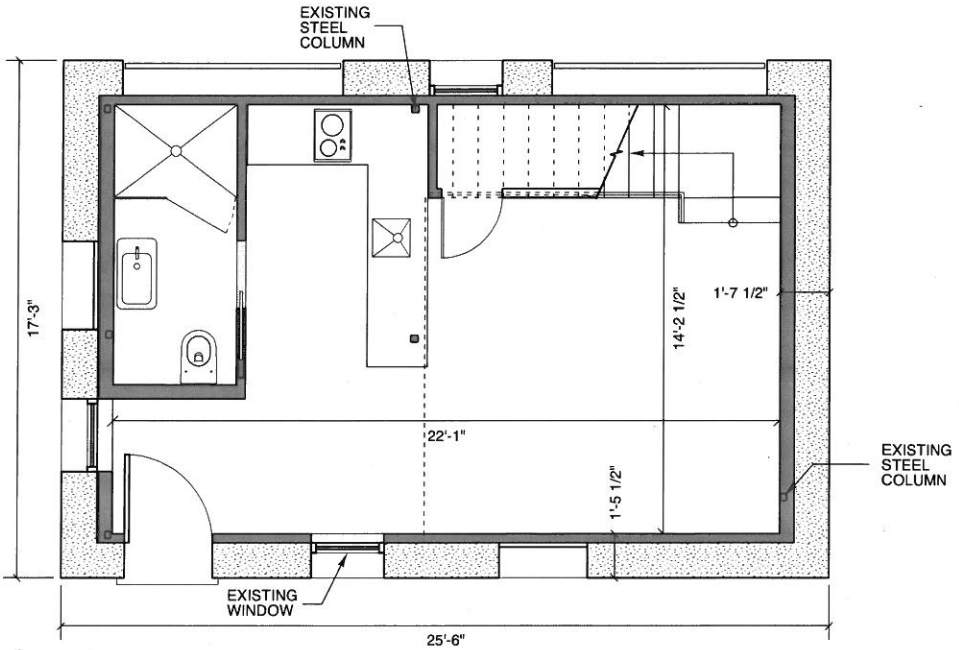


1 / A2.1 MEZZANINE PLAN - 209 SQ. FT. (**151 SQ. FT. USEABLE**)
SCALE: 1/4" = 1'-0"



2 / A2.1 PROPOSED LOWER LEVEL PLAN - 440 SQ. FT. (**314 SQ. FT. USEABLE**)
SCALE: 1/4" = 1'-0"

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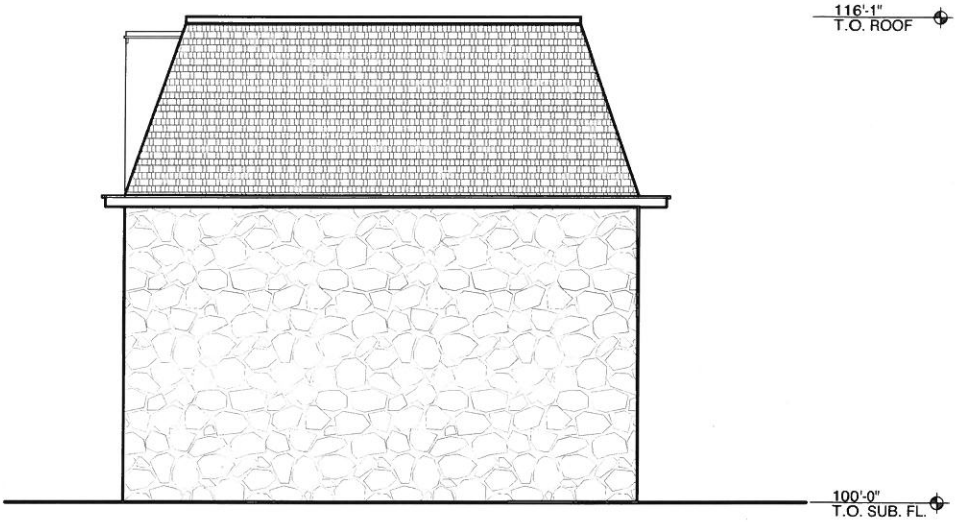
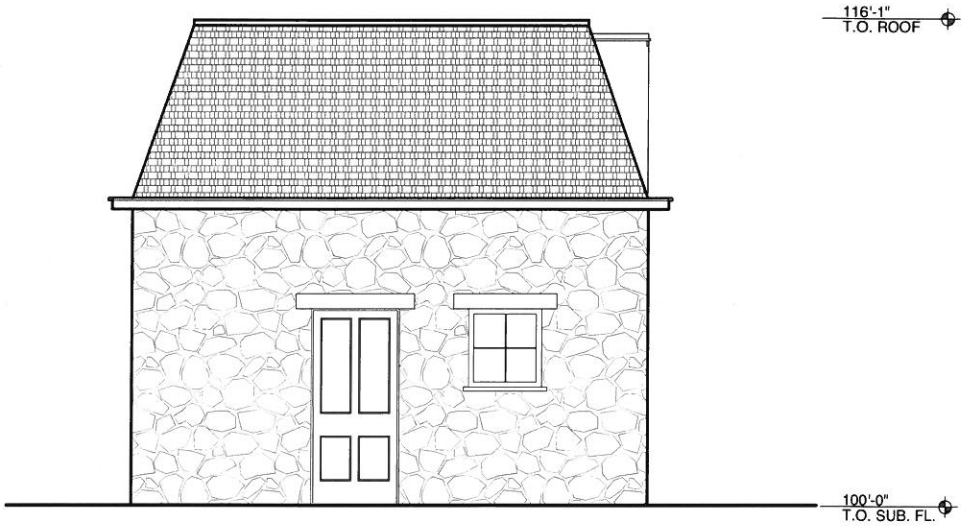


1 / A3.0 EAST ELEVATION EXISTING - NO CHANGE
SCALE: 1/4" = 1'-0"



2 / A3.0 WEST ELEVATION EXISTING - NO CHANGE
SCALE: 1/4" = 1'-0"

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OAU
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Boulder, Colorado 80302

01/22/2013

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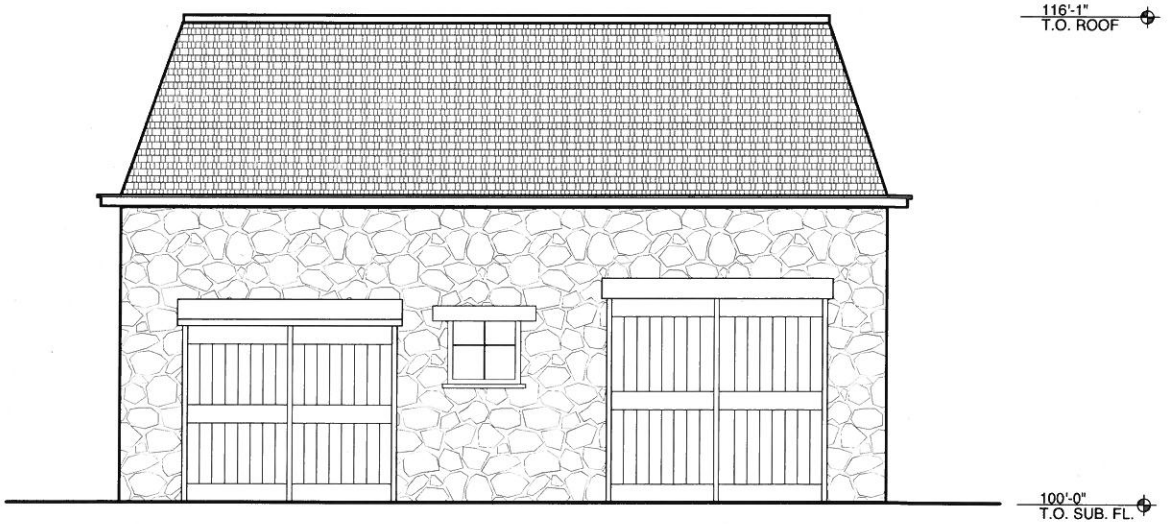
1 / A3.1 SOUTH ELEVATION - NO CHANGE
SCALE: 1/4" = 1'-0"



2 / A3.1 NORTH ELEVATION - NO CHANGE
SCALE: 1/4" = 1'-0"

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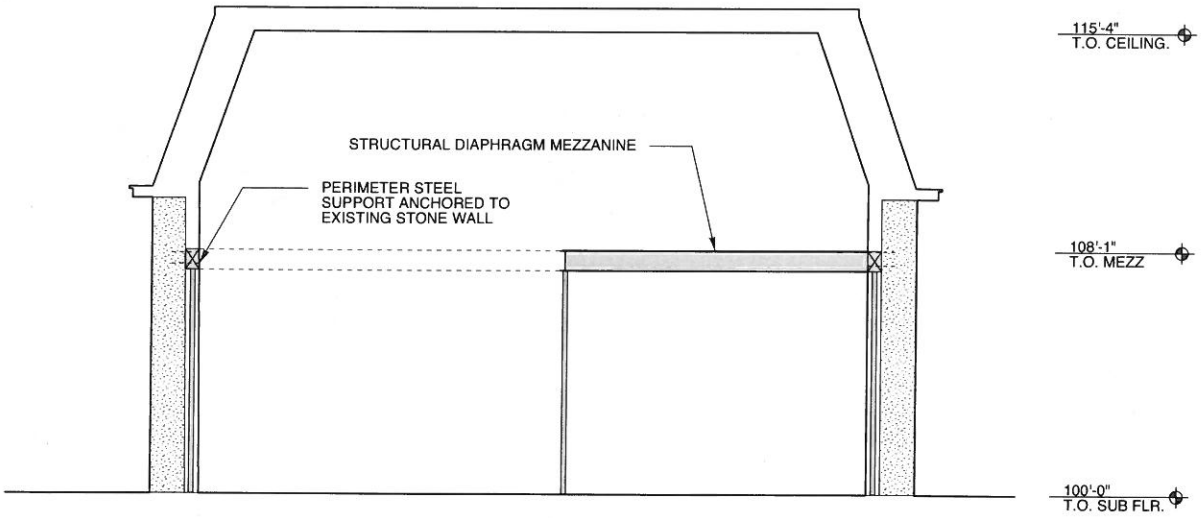
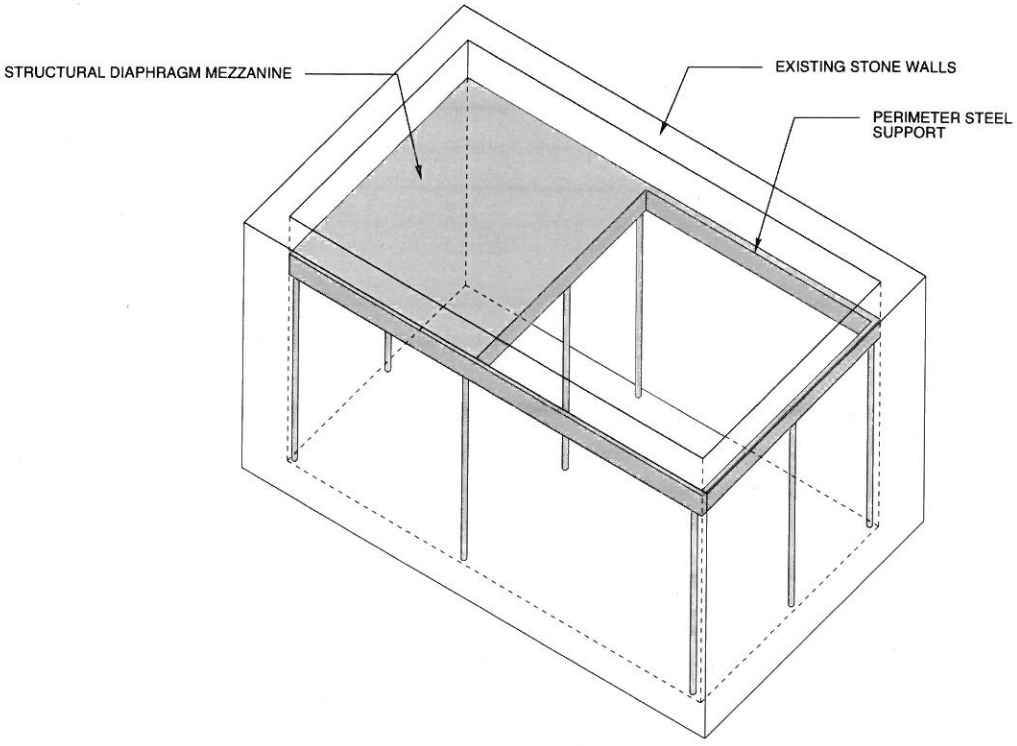


1/A4.0 SECTION W/ STRUCTURAL MEZZANINE
SCALE: 1/4" = 1'-0"



1/A4.0 DIAGRAM SHOWING STRUCTURAL DIAPHRAGM MEZZANINE
SCALE: 1/4" = 1'-0"

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City of Boulder Planning and Development Services
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevelop.net

BOZA
VARIANCE APPLICATION

APPLICATION DEADLINE IS 4:00 P.M. ON THE THIRD WEDNESDAY OF EACH MONTH.
MEETING DATE IS 5:00 P.M. ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.

Submittal of inaccurate or incomplete information will result in rejection of the application.

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 300 19th ST
- Legal Description: Lot 7/8 Block 15 Subdivision INTERURBAN PARK (or attach description.)
- Existing Use of Property: MY RESIDENCE
- Description of proposal:

CHANGE 27' FEET OF ROOFLINE BY 18° TO ACCOMODATE A SOLAR P
ANS SOLAR THERMAL "DRAINBACK SYSTEM" TAKE ADVANTAGE OF WINTER SUN FO
PASSIVE SOLAR GAIN. ADD INSULATION & HIGH EFFICIENCY GLASS.

*Total floor area of existing building: 2500	*Total floor area proposed: 2500
*Building coverage existing: 1350	*Building coverage proposed: 1350
*Building height existing: 17,91	*Building height proposed: 20.16 FEET.

*See definitions in Section 9-16-1, B.R.C. 1981.

- **Name of Owner:** JONATHAN N ANDERSON
- Address: 300 19TH ST Telephone: 303 601 9651
- City: BOULDER State: CO Zip Code: 80302 FAX:
- **Name of Contact (if other than owner):**
- Address: Telephone:
- City: State: Zip Code: FAX:

STAFF USE ONLY

Doc. No. BOZ2014-00002 Date Filed 1/10/14 Zone RL-1 Hearing Date 2/13/14
Application received by: Meg Date Fee Paid 1/15/14 Misc. Rect #

APPLICATION TYPES

- [x] Setback Variance
- [ ] Sign Variance
- [ ] Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- Any other information pertinent to the request (**11 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

NOTE: The applicant is responsible for posting the property in compliance with city requirements. Signs will be provided to the applicant at the time of submission of the application. The applicant will submit a posting affidavit within 10 days of the date of application. Failure to submit the affidavit may result in the postponement of the hearing date.

NOTE: SEE SECTION 9-2-3(I), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature _____ Date Dec 30 2013

CITY OF BOULDER
Planning and Development Services
1739 Broadway, third floor • P.O. Box 791, Boulder, Colorado 80306
Phone: 303-441-1880 • Fax: 303-441-3241
E-mail: plandevelop@bouldercolorado.gov • Web: www.boulderplandevelop.net

NOTICE TO APPLICANTS

Dear Applicant,

As you begin to prepare your "Variance Application," the Board of Zoning Adjustment would like to offer you some information and suggestions that we hope you will find helpful. (These comments are directed primarily to those seeking setback adjustments. If you are requesting another type of variance from the board, please contact Planning and Development Services.)

The Board of Zoning Adjustment is made up of five members who are appointed to five-year terms by the Boulder City Council. Our purpose is to grant or deny your application for a variance. Our rules and procedures require a positive vote of three members of the board in order for your application to be approved. If one member of the board is absent or removes himself or herself from the hearing, a vote of two in favor and two opposed has the same effect as denial. However, in this case, you are automatically entitled to present the application again at the next scheduled meeting.

Please also note that the board is not a policy-making board such as the City Council or Planning Board. The purpose of the Board of Zoning Adjustment is to implement policy. So, while we understand that there may be social/ economic/ political issues that you believe are relevant to your application, those issues are not part of the criteria by which your application will be judged.

Remember that you are asking the board to change the "standard" code requirements for you because of your unique situation. It is important for you to realize that the "burden of proof" lies with you, and that only if you are successful in convincing us that you have met the criteria, will you receive the variance that you are requesting. Please be as complete as you can in furnishing us the necessary information to properly consider your application. Depending on the complexity or scale of the project, you might consider providing information in addition to that required by the "Application Requirements." This additional information could include renderings (artistic-type drawings that are often in color), models, and written information as to the existing and proposed square footage of the structure.

Lastly, the board tries to maintain a relaxed, somewhat informal atmosphere. However, we are a quasi-judicial board, and our decisions are for all intents and purposes final, and the only appeal of our decision is in District Court, provided that appeal is filed within 30 days from the date of our decision. Also, you should keep in mind that if your request is denied because you have, in our opinion, failed to meet one of more of our criteria, you may not resubmit the same request for a variance for one year, unless it contains "substantial" revisions.

While you can be assured that we will give you and any other parties a full hearing, we occasionally must end discussion either when the discussion is not providing any new information or when practical time constraints require us to move on.

Planning and Development Services can provide you with additional information and input for the application. We suggest that you schedule a review of your application with the staff and allow yourself enough time to take their comments into account. The staff will let you know their recommendation to the board if you contact them 48 hours prior to the hearing time. Please do not contact board members prior to the meeting to discuss your case. We can only answer the most general procedural questions and are not permitted to discuss the specifics of you case.

We hope these comments are helpful in the preparation of your application.

Sincerely,

Board of Zoning Adjustment

BOZA VARIANCE CRITERIA

SETBACK AND MOBILE HOME SPACING VARIANCE CRITERIA

(Excerpt from Section 9-2-3(h), B.R.C. 1981)

(h) CRITERIA FOR VARIANCES

The BOZA may grant a variance only if it finds that the application satisfies all of the applicable requirements of paragraph (1), (2), (3), or (4) of this Subsection and the requirements of paragraph (5) of this Subsection.

(1) Physical Conditions or Disability

(A) There are:

(i) Unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property; or

(ii) There is a physical disability affecting the owners of the property or any member of the family of an owner who resides on the property which impairs the ability of the disabled person to utilize or access the property; and

(B) The unusual circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located; and

(C) Because of such physical circumstances or conditions the property cannot reasonably be developed in conformity with the provisions of this chapter; and

(D) Any unnecessary hardship has not been created by the applicant.

(2) Energy Conservation

(A) The variance will permit construction of an addition to a building that was constructed on or before January 1, 1983;

(B) The proposed addition will be an integral part of the structure of the building;

(C) The proposed addition will qualify as a "solar energy system" as defined in Section 9-16, "Definitions," B.R.C. 1981, or will enable the owner of the building to reduce the net use of energy for heating or cooling purposes by a minimum of 10% over the course of a year of average weather conditions for the entire building; and

(D) The costs of constructing any comparable addition within existing setback lines so as to achieve comparable energy purposes would be substantially greater than the cost of constructing the addition which is proposed for the variance.

(3) **Solar Access**

(A) The volume of that part of the lot in which buildings may be built consistent with this code has been reduced substantially as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981;

(B) The proposed building or object would not interfere with the basic solar access protection provided in Section 9-9-17, "Solar Access," B.R.C. 1981; and

(C) The volume of the proposed building to be built outside of the building setback lines for the lot will not exceed the amount by which the buildable volume has been reduced as a result of the provisions of Section 9-9-17, "Solar Access," B.R.C. 1981.

(4) **Designated Historic Property**

The property could be reasonably developed in conformity with the provisions of this chapter, but the building has been designated as an individual landmark or recognized as a contributing building to a designated historic district. As part of the review of an alteration certificate pursuant to Chapter 9-11, "Historic Preservation," B.R.C. 1981, the approving authority has found that development in conforming locations on the lot or parcel would have an adverse impact upon the historic character of the individual landmark or the contributing building and the historic district, if a historic district is involved.

(5) **Requirements for All Variance Approvals**

(A) Would not alter the essential character of the neighborhood or district in which the lot is located;

(B) Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property;

(C) Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this title; and

(D) Would not conflict with the provisions of Section 9-9-17, "Solar Access," B.R.C.1981.

(i) FLOOR AREA VARIANCES FOR ACCESSORY DWELLING UNITS

The BOZA may grant a variance to the maximum floor area allowed for an accessory dwelling unit under Subsection 9-6-3(a) "Accessory Units," B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements:

(1) That the interior configuration of the house is arranged in such a manner that the space to be used as the accessory dwelling unit cannot feasibly be divided in conformance with the size requirements;

(2) That the variance, if granted, meets the essential intent of this title, and would be the minimum variance that would afford relief; and

(3) That the strict application of the provisions at issue would impose an undue and unnecessary hardship on the individual and that such hardship has not been created by the applicant.

(j) VARIANCES FOR PARKING SPACES IN FRONT YARD SETBACKS

The BOZA may grant a variance to the requirements of Section 9-9-6, "Parking Standards," to allow a required parking space to be located within the front yard setback if it finds that the application satisfies all of the following requirements:

(1) The dwelling unit was built in a RR-1, RR-2, RE, or RL-1 zoning district.

(2) The dwelling unit originally had an attached carport or garage that met the off-street parking requirements at the time of initial development or, at the time of initial construction, an off-street parking space was not required and has not been provided;

(3) The garage or carport was converted to living space prior to January 1, 2005;

(4) The current property owner was not responsible for the conversion of the parking space to living area and can provide evidence as such;

(5) A parking space in compliance with the parking regulations of Section 9-9-6 cannot reasonably be provided anywhere on the site due to the location of existing buildings, lack of alley access, or other unusual physical conditions;

(6) Restoring the original garage or carport to a parking space would result in a significant economic hardship when comparing the cost of restoration to the cost of any other proposed improvements on the site; and

(7) The proposed parking space to be located within the front yard setback space shall be paved, shall comply with Section 9-9-5, "Site Access Control," shall not be less than 9 feet in width or more than 16 feet in width, and shall not be less than 19 feet in length. No parking space shall encroach into a public right of way or obstruct a public sidewalk.

SIGN CODE VARIANCE CRITERIA

(Excerpt from Section 9-9-21(s), B.R.C. 1981)

(s) APPEALS AND VARIANCES

(1) Any aggrieved person who contests an interpretation of this chapter which causes denial of a permit, or who believes a violation alleged in a notice of violation issued pursuant to paragraph 9-9-21(t)(2) or (3), B.R.C. 1981, to be factually or legally incorrect, may appeal the denial or notice of violation to the BOZA or Board of Building Appeals in a manner provided by either such board under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, or may, in the case of a denial, request that a variance be granted. An appeal from a denial and a request for a variance may be filed in the alternative.

(A) An appeal from an interpretation which causes denial of a permit or from a notice alleging a violation of Subsections 9-9-21(l), "Structural Design Requirements," 9-9-21(m), "Construction Standards," 9-9-21(n), "Electric Signs," and 9-9-21(o), "Sign Maintenance," B.R.C. 1981, shall be filed with the BOZA.

(B) An appeal from any other interpretation alleging any other violation of this chapter shall be filed with the BOZA.

(C) An appellant shall file the appeal, request for variance, or both in the alternative with the BOZA within fifteen days from the date of notice of the denial or the date of service of the notice of violation. The appellant may request more time to file. If the appellant makes such request before the end of the time period and shows good cause therefore, the City Manager may extend for a reasonable period the time to file with either board.

(2) No person may appeal to or request a variance from the BOZA if the person has displayed, constructed, erected, altered, or relocated a sign without a sign permit required by paragraph 9-9-21(b)(2), B.R.C. 1981. The boards have no jurisdiction to hear an appeal nor authority to grant any variance from the permit requirements of this chapter. But the BOZA has jurisdiction to hear an appeal of a notice of violation alleging violation of the permit requirements if the appeal is from the manager's interpretation that a permit is required, and the appellant's position is that the device is not a sign or that it is exempt from the permit requirements under Subsection 9-9-21(c), "Signs Exempt from Permits," B.R.C. 1981.

(3) An applicant for an appeal or a variance under this Section shall pay the fee prescribed by Subsection 4-20-47(b), B.R.C. 1981.

(4) Setbacks, spacing of freestanding and projecting signs, and sign noise limitations are the only requirements which the BOZA may vary. If an applicant requests that the BOZA grant such a variance, the board shall not grant a variance unless it finds that each of the following conditions exists:

(A) There are special physical circumstances or physical conditions, including, without limitation, buildings, topography, vegetation, sign structures, or other physical features on adjacent properties or within the adjacent public right of way that would substantially restrict the effectiveness of the sign in question, and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area; or

(B) For variances from the noise limitations of subparagraph 9-9-21(b)(3)(L), "Sound," B.R.C. 1981, the proposed variance is temporary in duration (not to exceed 30 days) and consists of a temporary exhibition of auditory art; and

(C) The variance would be consistent with the purposes of this chapter and would not adversely affect the neighborhood in which the business or enterprise or exhibition to which the applicant desires to draw attention is located; and

(D) The variance is the minimum one necessary to permit the applicant reasonably to draw attention to its business, enterprise, or exhibition.

(5) If an applicant requests that the Board of Building Appeals approve alternate materials or methods of construction or modifications from the requirements of Subsections 9-9-21(l), "Structural Design Requirements," 9-9-21(m), "Construction Standards," 9-9-21(n), "Electric Signs," and 9-9-21(o), "Sign Maintenance," B.R.C. 1981, the board may approve the same under the standards and procedures provided in the city building code, Chapter 10-5, "Building Code," B.R.C. 1981.

(6) Except as provided in Subsection (8) of this Section, the BOZA has no jurisdiction to hear a request for nor authority to grant a variance that would increase the maximum permitted sign area on a single property or building, or from the prohibitions of paragraph 9-9-21(b)(3), "Specific Signs Prohibited," B.R.C. 1981. But the BOZA has jurisdiction to hear an appeal of a permit denial or of a notice of violation alleging that a sign would exceed the maximum permitted sign area or is prohibited if the appellant's position is that the sign does not exceed such area or is not prohibited by such Subsection.

(7) The BOZA or Board of Building Appeals may make any variance or alternate material or method approval or modification it grants subject to any reasonable conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the purposes of this chapter.

(8) The City Manager's denial or notice of violation becomes a final order of the BOZA or Board of Building Appeals if:

(A) The applicant fails to appeal the manager's denial or order to the board within the prescribed time limit;

(B) The applicant fails to appeal the order of the board to a court of competent jurisdiction within the prescribed time limit; or

(C) A court of competent jurisdiction enters a final order and judgment upon an appeal filed from a decision of the board under this chapter.

Ordinance No. 5377 (1991).

Criteria For a Setback Variance at 300 19th St Boulder, CO 80302

(1) PHYSICAL CONDITION

A) i) The unusual physical condition peculiar to my property is the change to my south yard setback from 5' to 25'. When my house was built in 1952 the property was built to city code, the permit clearly shows that the side yard setback is 5'. My house was built to this 5' setback on the south side (Facing King St). As I have been informed after my purchase of the property, and after I met with planners on 2 occasions, I have been made aware of an obscure provision, which establishes a second 25' front yard setback on the south side. My understanding is that because my neighbor's home to the east has a long axis front yard and front door on King St. there is some benefit to the city for me to have an equal setback.

B) Characteristic to my neighborhood, and 99% of the rest of Boulder for that matter, this double front yard setback rarely exists.

C) Because of this setback provision my property has extremely limited potential. Being the south yard setback in conjunction with the solar shading limits and bulk plane there is no room for any changes to the property, I.E. the north side of the existing house cannot accommodate the needed changes to the roofline as it would then be a solar shading issue.

D) I have done due diligence both prior to buying the house and after taking possession to understand any possible defects, conditions, or limits to the potential of my house. Prior to buying the house I visited the planning department and was not made aware of my double jeopardy situation, and upon returning few planners were/ are aware of this obscure double setback provision. I was finally made aware after speaking with a planner whom had been with the city for a longer tenure. I have not created this hardship, this hardship has been created by the setback provision.

(2) ENERGY CONSERVATION

A) The variance will definitely permit construction of an addition to a house, which was built in 1952 and has seen few changes since then.

B) The proposed addition will be a subtle change to the existing roofline, which is an integral part of the structure of the building.

C) The proposed addition will allow for the construction of a photovoltaic solar electric system, a solar thermal domestic hot water heating system and utilize a trombe wall principle of passive solar to capture afternoon sun/ heat to offset heating loads. And/or enable the owner/me to reduce the net use of energy for both heating and cooling purposes by at least 10% annually.

Due to the placement of the existing structure similar roofline changes on the north side of the house are not possible with the solar shading provisions and bulk plane rules. The south side of the house also has a much better solar window or far less shading. Another integral part of the need for the variance and requirement of the south side roof change is the need for

positive slope directly to the existing mechanical room. This is required for the installation of a drainback solar thermal system.

D) In solar design on residential properties it is almost always less: expensive/ invasive/ aesthetically pleasing to utilize the existing structure rather than try to build a specific structure to mount solar equipment. In this particular case the elevation/height of the existing structure limits shading. Any new comparable structure to achieve the same benefit for energy conservation would involve the construction of new foundation, walls, siding, roofing etc, at a far greater cost. Whereas this would be extremely cost effective and accomplish 3 energy conservation goals solar PV, solar thermal, passive solar heating by doubling the east facing viable roof area and allowing the house to capture western winter sun.

(5) REQUIREMENTS FOR ALL VARIANCE APPLICATIONS

A) There is nothing in the proposed changes to my house which would alter the essential character of my neighborhood. My house was built in 1952 and is a ranch house design. The nature of the architecture in interurban park is from many different eras from turn of the century Victorians, 20s and 30s craftsman style houses, 50s ranch houses, far out 60s eccentric designs, ultra modern designs and run down college rentals. I have spoken with all my adjacent neighbors and none have been displeased with my proposed changes. Nor am I changing the square footage, the building footprint, or the inherent design, style or era of the house. These changes will also benefit the drainage situation at the property by draining rain water/ roof shed to the east or downslope side of the house.

B) This addition will not impact my adjacent neighbors in terms of shading, views, enjoyment or development of adjacent properties.

C) I have thoroughly explored any conceivable way to accomplish the same goals and any other option would add unneeded square footage, be less efficient, have a larger carbon footprint and cost more than by simply continuing the east pitch up as a shed roof past the existing ridge.

D) This proposed addition would not conflict with the solar access provision.

SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS - Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be place on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, JONATHAN N ANDERSON, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

application [on behalf of the property owner(s) _____ for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

at 300 19th STREET. I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)

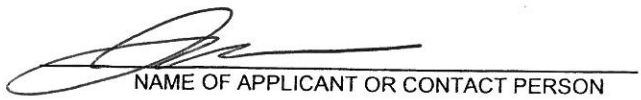
agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.

2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.

3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).

4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.



NAME OF APPLICANT OR CONTACT PERSON

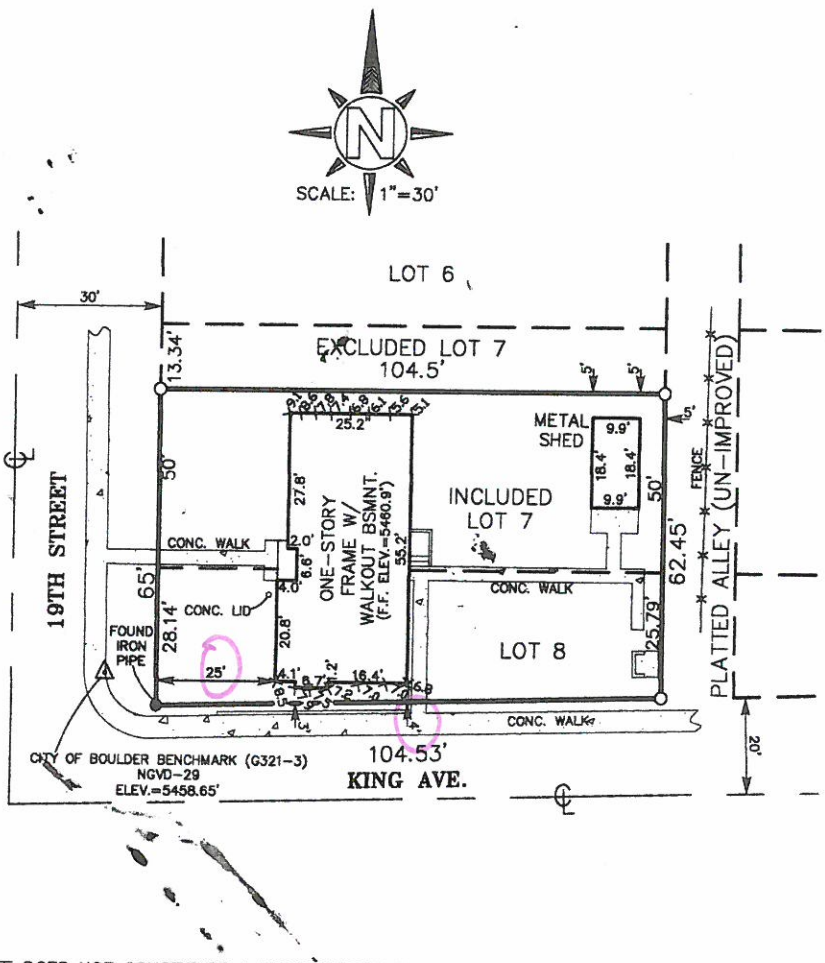
JAN 14 2014
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

LEGAL DESCRIPTION
(provided by CLIENT)

LOT 8 AND LOT 7 LESS THE NORTH 13.34 FEET, BLOCK 15, INTERURBAN PARK ADDITION, COUNTY OF BOULDER, STATE OF COLORADO.

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVENUE, Ste 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com



Notes:

1–THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OR RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.

2–AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.

3–THE ELEVATIONS SHOWN HEREON REPRESENT AS-BUILT MEASUREMENTS OBTAINED ON DECEMBER 11, 2012, AND ARE BASED ON CITY OF BOULDER BENCHMARK G321-3, NGVD-29, WITH A PUBLISHED ELEVATION OF 5458.65'. SURVEYOR MAKES NO REPRESENTATION TO ELEVATIONS ON ANY OTHER DATE. INSTALLATION OF ADDITIONAL IMPROVEMENTS, INCLUDING LANDSCAPING, WILL CHANGE THE RESULTS REFLECTED HEREON. SURVEYOR MAKES NO REPRESENTATIONS TO FUTURE CONDITIONS OR TO THE ADEQUACY OF DESIGN. A DRAINAGE AND/OR GEOTECHNICAL ENGINEER SHOULD BE CONSULTED FOR ADEQUACY OF DRAINAGE AND POSSIBLE PRESENCE OF EXPANSIVE SOIL.

4–SPOT SHOT ELEVATIONS ARE SHOWN AT THE CLIENTS REQUEST.

5–FOR CLARITY PURPOSES ONLY THE ONES AND TENTHS PLACE HAVE BEEN SHOWN ON THE SPOT ELEVATIONS. PLEASE ADD 5450.0 FEET TO OBTAIN ACTUAL ELEVATION.

6–THE PLATTED ALLEY IS UN-IMPROVED. TITLE RESEARCH MAY REVEAL OWNERSHIP OF SAID ALLEY.

John B. Guyton, Colorado L.S. #16406

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this Improvement location certificate was prepared for SKY HOOK DESIGN, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. I further certify that the improvements on the above described parcel on this date, DECEMBER 12, 2012, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. It is not a Land Survey Plat as defined by C.R.S. 38-51-102(12) or an Improvement Survey Plat as defined by C.R.S. 38-51-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and John B. Guyton will not be liable for more than the cost of this Improvement Location Certificate, and then only to the party for whom it was prepared. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgement and agreement to all terms stated hereon.

CITY OF BOULDER COLORADO

Public Service Department

Building Permit

OWNER Merle Ross CONTRACTOR Darby

ERECT 1-Fam. Dwelling HOUSE NO. 300-19th St.

PERMIT NO. 1670 DATE ISSUED 11-14-52

SETBACK FRONT 25' SIDE 5' SIDE 5'

INSPECTION RECORD

FOOTER FOUNDATION FRAME

LATH FINAL

CALL INSPECTOR WHEN YOU ARE READY FOR EACH OF ABOVE INSPECTIONS

THIS CARD MUST BE POSTED SO IT IS PLAINLY VISIBLE FROM STREET. AFTER FINAL INSPECTION, INSPECTOR WILL REMOVE CARD.

Figure 16-5: Front, Rear and Side Yards

F: FRONT YARD

R: REAR YARD

S: INTERIOR SIDE YARD

SAS: SIDE ADJACENT STREET

S=F: SIDE EQUALS FRONT

Zoning map means the Zoning District Map of the City of Boulder, Colorado, adopted as a part of Section 9-5-3, "Zoning Map," B.R.C. 1981, as amended from time to time as provided therein.

Ordinance Nos. 7475 (2006); 7484 (2006); 7522 (2007); 7535 (2007); 7613 (2008); 7614 (2008); 7658 (2009); 7684 (2009); 7699 (2009); 7701 (2010); 7718 (2010); 7756 (2010); 7713 (2011); 7787 (2011); 7826 (2011); 7853 (2012); 7869 (2012); 7878 (2012); 7895 (2013)

Wetland creation means the establishment of a wetland or other aquatic resource, where one did not formerly exist. (Wetlands)

Wetland enhancement means activities conducted in existing wetland or aquatic resources which increase one or more ecological functions. (Wetlands)

White light source means a spectrum of light produced by, but not limited to, incandescent, halogen, metal halide, induction and fluorescent lamps having a color temperature between two thousand six hundred fifty and four thousand degrees Kelvin and a minimum Color Rendering Index (CRI) of 65.

Wholesale business means a business primarily engaged in the selling of merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

Wind energy conversion system means any machine that converts wind to another form of energy.

Wind sign means a sign consisting of one or more banners, flags, pennants, wind socks, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind. (Signs)

Window sign means a sign that is located inside a building on or within three feet of a window or door through which it can be seen from the exterior of the building, but excludes merchandise included in a display. (Signs)

Winery means a use with a manufacturer or wholesaler license issued under § 12-47-401, et seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq., C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where vinous liquors are manufactured that may include a tasting room that is less than or equal to thirty percent of the total floor area of the facility or one thousand square feet, whichever is greater.

Xeriscape™ means the application of a set of landscaping principles that in concert promote water conservation. *Xeriscape*™ was trademarked by the Denver Water Board in 1981.

Yard, front, rear and side means the open space between the buildings and the property lines at the front, rear and sides of the property, respectively. On a corner lot, the open space adjacent to the shorter street right of way shall be considered the front yard. The rear yard is opposite the front yard, and the side yard is between the rear yard and the front yard. (See figures 16-4 and 16-5 of this section.)

Footnotes to Table 7-1, Form and Bulk Standards:

In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

(a) On corner lots, use principal building front yard setback where adjacent lot fronts upon the street.

(b) For zero lot line development, see Subsection 9-7-2(b), B.R.C. 1981.

(c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.

(d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.

(e) For other setback standards regarding garages, open parking areas and flagpoles, see Paragraph 9-7-2(b)(8), B.R.C. 1981.

(f) Where a rear yard backs on a street, see Paragraph 9-7-2(b)(7), B.R.C. 1981.

(g) Not including light poles at government-owned facilities. For additional height standards regarding light poles at government facilities, see Section 9-2-14, "Site Review," B.R.C. 1981.

(h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.

(i) For side yard setback requirements based on building height, see Appendix B, "Setback Relative to Building Height," of this title.

(j) The maximum percentage of the third floor area that can be in a fourth story standard may not be varied as part of a site review.

(k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or 65 feet measured from the centerline of Canyon Boulevard right of way.

(l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."

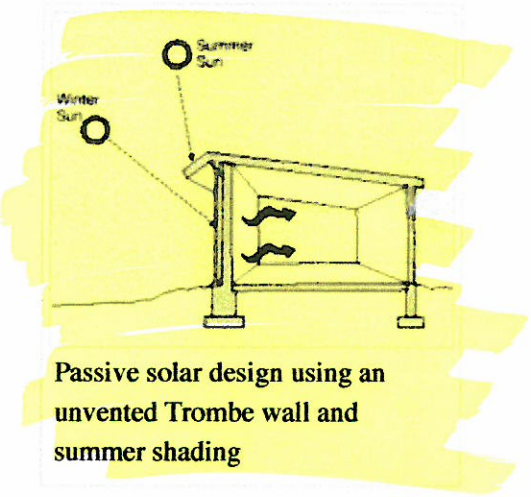
Ordinance Nos. 5623 (1994); 5656 (1994); 5679 (1994); 5690 (1995); 5921 (1997); 5930 (1997); 5971 (1998); 6037 (1998); 6054 (1999); 7079 (2000); 7102 (2000); 7116 (2001); 7182 (2002); 7210 (2002); 7242 (2002); 7310 (2003); 7331 (2004); 7336 (2004); 7364 (2004); 7378 (2004); 7522 (2007); 7568(2007); 7577 (2007); 7624 (2008); 7655 (2009); 7684 (2009); 7699 (2009); 7710 (2010); 7788 (2011); 7813 (2011); 7878 (2012); 7921 (2013)

Zoning District	A RR-1	RR-2 RE	RH-2 RH-5 P	RL-1 RM-2 RMX-1	BT-2	BT-1 BC BR IS-1 IS-2 IG IM	RL-2 RM-1	RH-4	MU-1	RM-3 RH-1 RH-6	RMX-2	RH-3 RH-7	BCS	MU-3	BMS MU-4	DT-1 DT-2 DT-3 DT-5	DT-4	MU-2 IMS	MH
Form module	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s
BUILDING SIZE AND COVERAGE LIMITATION (Accessory and Principal Buildings)																			
Maximum floor area of any principal building permitted by chapter 9-8	See section 9-8-2 (FAR Requirements)								15,000 sq. ft.	See section 9-8-2 (FAR Requirements)					15,000 sq. ft.	See section 9-8-2 (FAR Requirements)		15,000 sq. ft.	n/a
Maximum accessory building coverage within principal building rear yard setback (9-7-8)	500 sq. ft.	n/a	500 sq. ft.	n/a	500 sq. ft.	n/a	n/a				n/a			n/a					n/a
Maximum cumulative coverage of all accessory buildings regardless of location	For residential uses - no greater than coverage of the principal building																		
Maximum total building coverage	See section 9-7-11	n/a	See section 9-7-11	n/a	See section 9-7-11	n/a													
PRINCIPAL AND ACCESSORY BUILDING HEIGHT																			
Maximum height for principal buildings and uses (c), (d), (l)	35'			35'; 40' (in I-zones)	35'	35'					40'	35'	38'		38'		35'	35'	
Conditional height for principal buildings and uses	See section 9-7-6 for conditional height standards																		
Maximum number of stories for a building	3			3	n/a	n/a	2	3			3	2	3		2 (3 on DT-5 corner lots)		2	3	
Maximum wall height for detached dwelling units at zero lot line setback (9-7-2(b)(3))	12'			12'			12'				12'		12'					n/a	
Maximum height for all accessory buildings, structures and uses (g)	20' (30' in agricultural zone)			20' (25' in industrial zones)			20'				20'		20'					20'	

Trombe wall

From Wikipedia, the free encyclopedia

A **Trombe wall** is a passive solar building technique where a wall is built on the winter sun side of a building with a glass external layer and a high heat capcacity internal layer separated by a layer of air. Heat in close to UV spectrum passes through the glass almost unhindered then is absorbed by the wall that then re-radiates in the far infrared spectrum which does not pass back through the glass easily, hence heating the inside of the building. Trombe walls are commonly used to absorb heat during sunlit hours of winter then slowly release the heat over night. The essential idea was first explored by Edward S. Morse and patented by him in 1881.[1] In the 1960s it was fully developed as an architectural element by French engineer Félix Trombe and architect Jacques Michel.[2][3]



Passive solar design using an unvented Trombe wall and summer shading

Trombe walls work on the basic greenhouse principle that heat from the sun in the form of near-visible shorter-wavelength higher-energy ultraviolet radiation passes through glass largely unimpeded. When this radiation strikes objects the energy is absorbed and then re-emitted in the form of longer-wavelength infra-red radiation that does not pass through glass as readily. Hence heat becomes trapped and builds up in an enclosed structure with high internal heat capacity and glass surfaces that face the sun[4]

How effectively objects absorb and shed radiant heat depends on a number of factors; how dark they are in colour, how directly the surface of the object is opposed to the angle of the radiation striking it, how matt or reflective its surface is, the heat capacity of the object, the surface conductivity of the object. For Trombe walls to work effectively they are made from high heat capacity materials such as concrete or water, whose surface is dark and matt in colour and placed in direct opposition to the sun striking them.

The clearer the glass in front of a Trombe wall appears in the UV spectrum the more short wave radiation will penetrate and the more reflective or non transparent the glass appears in the infra-red spectrum the less re-emitted heat will be escape. [5]

Contents

- 1 Basic design
  - 1.1 Common variations
  - 1.2 Half Height Trombe walls
- 2 Application in developing regions
- 3 See also
- 4 References
- 5 External links

Xcel Energy

Bill History Report
Electric Service Detail

Customer Name: JONATHAN N ANDERSON	Utility Type: Electric	Address Line1: 300 19TH ST
Account Number: 53-7609502-4	Service Number: 001	Service City, State, Zip: BOULDER, CO 80302-8008
Report Create Date: 12/30/2013	Meter Number: 000074003600	
	Multiplier: 1	

Premise Number: 300851722
Premise Description:
Tariff Description: R Residential General

Read date	Days	On -pk Usage (kWh)	Off -pk Usage (kWh)	Total Usage (kWh)	Avg Usage/Day (kWh)	Billed Demand (kW) On Peak	Billed Demand (kW) Off Peak	Actual Demand (kW) On Peak	Adjusted Demand (kW) On Peak	Power Factor (kVar)	Load Factor (%)	Usage Billed ($)	Demand Billed ($)	Other Charges ($)	ECA/FCA ($)	Electric Service Sub-Total ($)	Tax ($)	Electric Invoice Total($)	Invoice Date
12/05/13	31	0	0	733	23.6	0	0	0	0			0.00	0.00	54.90	24.95	79.85	9.59	89.44	12/06/13
11/04/13	29	0	0	618	21.3	0	0	0	0			0.00	0.00	47.52	21.04	68.56	8.18	76.74	11/05/13
10/06/13	28	0	0	809	28.9	0	0	0	0			0.00	0.00	72.22	26.06	98.28	11.34	109.62	10/07/13
09/08/13	33	0	0	592	17.9	0	0	0	0			0.00	0.00	50.57	18.77	69.34	8.11	77.45	09/09/13
08/06/13	29	0	0	557	19.2	0	0	0	0			0.00	0.00	46.53	17.66	64.19	7.55	71.74	08/07/13
07/08/13	30	0	0	464	15.5	0	0	0	0			0.00	0.00	37.45	15.13	52.58	6.22	58.80	07/09/13
06/08/13	32	0	0	415	13.0	0	0	0	0			0.00	0.00	34.26	13.67	47.93	5.63	53.56	06/10/13
05/07/13	29	0	0	528	18.2	0	0	0	0			0.00	0.00	41.44	17.39	58.83	7.02	65.85	05/08/13
04/08/13	32	0	0	558	17.4	0	0	0	0			0.00	0.00	43.35	18.59	61.94	7.39	69.33	04/09/13
03/07/13	29	0	0	1001	34.5	0	0	0	0			0.00	0.00	71.47	33.49	104.96	12.80	117.76	03/08/13
02/06/13	7	0	0	108	15.4	0	0	0	0			0.00	0.00	16.71	3.61	20.32	1.79	22.11	02/08/13
	309			6363								0.00	0.00	516.42	210.36	726.78	85.62	812.40	

*** Denotes that billing history has been rolled up to next billed invoice**

PVWatts *** AC Energy & Cost Savings

Cautions for Interpreting the Results

(Type comments here to appear on printout; maximum 1 row of 80 characters.)

Station Identification	
City:	Boulder
State:	Colorado
Latitude:	40.02° N
Longitude:	105.25° W
Elevation:	1634 m
PV System Specifications	
DC Rating:	6.0 kW
DC to AC Derate Factor:	0.770
AC Rating:	4.6 kW
Array Type:	Fixed Tilt
Array Tilt:	9.0°
Array Azimuth:	90.0°
Energy Specifications	
Cost of Electricity:	8.4 ¢/kWh

Results

Month	Solar Radiation (kWh/m^2/day)	AC Energy (kWh)	Energy Value ($)
1	2.39	318	26.71
2	3.15	389	32.68
3	4.72	662	55.61
4	5.76	763	64.09
5	6.41	856	71.90
6	6.88	870	73.08
7	6.71	850	71.40
8	6.14	780	65.52
9	5.16	646	54.26
10	3.84	505	42.42
11	2.62	334	28.06
12	2.20	290	24.36
Year	4.67	7264	610.18

Output Hourly Performance Data * Output Results as Text

About the Hourly Performance Data Saving Text from a Browser

Run PVWATTS v.1 for another US location or an International location
Run PVWATTS v.2 (US only)

Please send questions and comments regarding PVWATTS to Webmaster

.DER, CO 80302-8008

Tax ($)	Gas Invoice Total $)	Invoice Date
5.78	82.63	12/06/13
4.17	59.59	11/05/13
2.05	29.31	10/07/13
1.39	19.95	09/09/13
1.21	17.41	08/07/13
1.35	19.22	07/09/13
1.71	24.45	06/10/13
4.51	64.45	05/08/13
4.82	68.87	04/09/13
7.03	100.54	03/08/13
1.96	27.97	02/08/13
35.98	514.39	

Xcel Energy

Bill History Report
Gas Service Detail

Customer Name: JONATHAN N ANDERSON Account Number: 53-7609502-4 Report Create Date: 12/30/2013	Utility Type: Gas Service/Register Number: 0001 / 000 Meter Number: 000000AB7755 Multiplier: .8357	Address Line1: 300 19TH ST Service City, State, Zip: BOULDER, CO 80302-8008

Premise Number: 300851722
Premise Description:
Tariff Description: RG Residential
Unit of Measure: THERMS

READ DATE	READ METHOD	Days	Usage (Therms or MCF)	Usage Per Day	Heat Content Factor	Heating Degree Days	Cost of Gas ($)	Distribution Charges ($)	Other Charges ($)	Gas Service Sub-total ($)	Tax ($)	Gas Invoice Total $)	Invoice Date
12/06/13	A	31	108	3.50	1.0246	830	50.84	11.70	14.31	76.85	5.78	82.63	12/06/13
11/05/13	A	29	71	2.40	1.0246	547	33.43	7.68	14.31	55.42	4.17	59.59	11/05/13
10/07/13	A	28	23	0.80	1.0218	184	10.46	2.49	14.31	27.26	2.05	29.31	10/07/13
09/09/13	A	33	8	0.20	1.0208	0	3.53	0.86	14.17	18.56	1.39	19.95	09/09/13
08/07/13	A	29	8	0.30	1.0208	1	3.53	0.72	11.95	16.20	1.21	17.41	08/07/13
07/09/13	A	29	11	0.40	1.0235	0	4.76	1.00	12.11	17.87	1.35	19.22	07/09/13
06/10/13	A	33	20	0.60	1.0247	129	8.57	1.81	12.36	22.74	1.71	24.45	06/10/13
05/08/13	A	29	89	3.10	1.0247	693	38.13	8.05	13.76	59.94	4.51	64.45	05/08/13
04/09/13	A	32	96	3.00	1.0227	751	41.47	8.68	13.90	64.05	4.82	68.87	04/09/13
03/08/13	A	29	150	5.20	1.0219	983	64.95	13.56	15.00	93.51	7.03	100.54	03/08/13
02/07/13	A	8	42	5.30	1.0219	245	18.19	3.79	4.03	26.01	1.96	27.97	02/08/13
		310	626				277.86	60.34	140.21	478.41	35.98	514.39	

*** Denotes that billing history has been rolled up to next billed invoice**

Customer Name: JONATHAN N ANDERSON Account Number: 53-7609502-4 Report Create Date: 12/30/2013	Utility Type: Gas Service/Register Number: 0001 / 000 Meter Number: 000000AB7755 Multiplier: .8357	Address Line1: 300 19TH ST Service City, State, Zip: BOUL

Premise Number: 300851722

Premise Description:

Tariff Description: RG Residential

Unit of Measure: THERMS

READ DATE	READ METHOD	Days	Usage (Therms or MCF)	Usage Per Day	Heat Content Factor	Heating Degree Days	Cost of Gas ($)	Distribution Charges ($)	Other Charges ($)	Gas Service Sub-total ($)
#######	A	31	108	3.50	1.0246	830	50.84	11.70	14.31	76.85
#######	A	29	71	2.40	1.0246	547	33.43	7.68	14.31	55.42
#######	A	28	23	0.80	1.0218	184	10.46	2.49	14.31	27.26
#######	A	33	8	0.20	1.0208	0	3.53	0.86	14.17	18.56
#######	A	29	8	0.30	1.0208	1	3.53	0.72	11.95	16.20
#######	A	29	11	0.40	1.0235	0	4.76	1.00	12.11	17.87
#######	A	33	20	0.60	1.0247	129	8.57	1.81	12.36	22.74
#######	A	29	89	3.10	1.0247	693	38.13	8.05	13.76	59.94
#######	A	32	96	3.00	1.0227	751	41.47	8.68	13.90	64.05
#######	A	29	150	5.20	1.0219	983	64.95	13.56	15.00	93.51
#######	A	8	42	5.30	1.0219	245	18.19	3.79	4.03	26.01
		310	626				277.86	60.34	140.21	478.41

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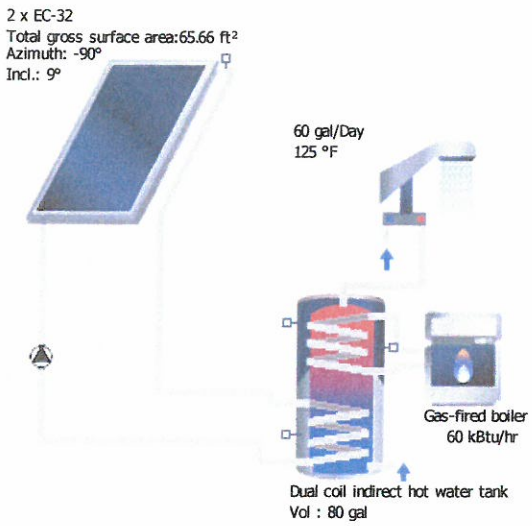
Variant 1



Results of annual simulation

Installed collector power:		14.57 kBtu/hr
Installed solar surface area (gross):		65.66 ft²
Irradiation on to collector surface (active):	33.94 MMBtu	516.98 kBtu/ft²
Energy delivered by collectors:	11.59 MMBtu	176.48 kBtu/ft²
Energy delivered by collector loop:	10.29 MMBtu	156.65 kBtu/ft²
DHW heating energy supply:		13.83 MMBtu
Solar contribution to DHW:		9.57 MMBtu
Energy from auxiliary heating:		5.5 MMBtu
Natural gas (H) savings:		**144.1 therm**
CO2 emissions avoided:		**1,890.09 lbs**
DHW solar fraction:		**63.5 %**
Fractional energy savings (DIN CEN/TS 12977-2):		**64.9 %**
System efficiency:		**28.2 %**

-

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Variant 1

Site data

Climate file

Location:	Würzburg
Climate data record:	"DENVER/CENTENNIAL [GOLDEN - NREL]"
Total annual global irradiation:	1619.948 kWh/m²
Latitude:	39.73 °
Longitude:	105.17 °

Domestic hot water

Average daily consumption:	60 gal
Desired temperature:	125 °F
Consumption profile:	Detached house (evening max)
Cold water temperature:	February: 43.7 °F August: 55.4 °F
Circulation:	No

-

-

Variant 1

System

Collector loop

Manufacturer:	SunEarth, Inc.
Type:	EC-32
Number:	2.00
Total gross surface area:	65.66 ft²
Total active solar surface area:	65.66 ft²
Tilt angle:	9 °
Collector Orientation:	90 °
Azimuth:	-90 °

Dual coil indirect hot water tank

Manufacturer:	Standard
Type:	Dual coil indirect hot water tank
Volume:	80 gal

Auxiliary heating

Manufacturer:	Standard
Type:	Gas-fired boiler
Nominal output:	60 kBtu/hr

Legend

With test report	CERTIFIED
Solar Keymark	

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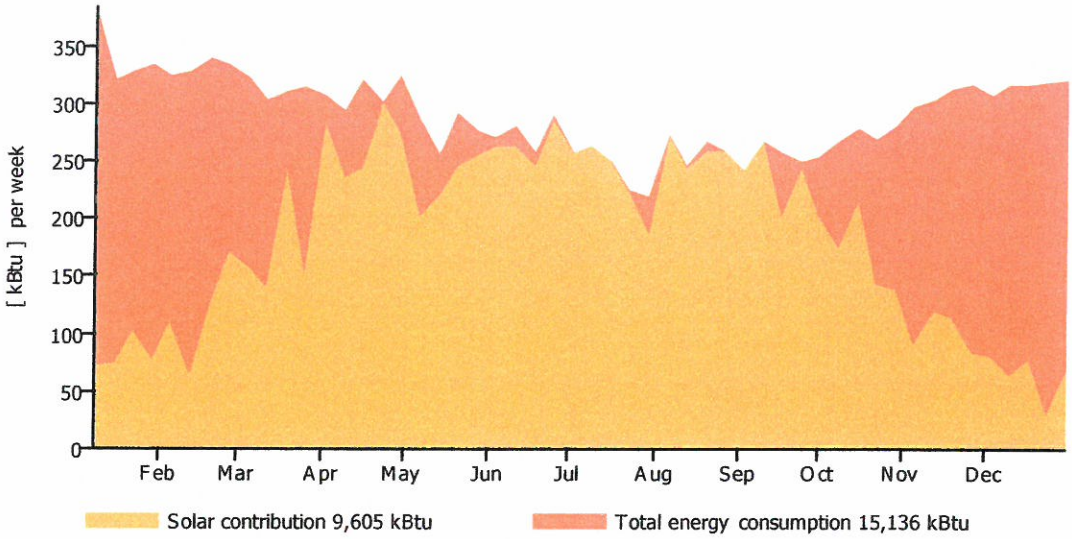
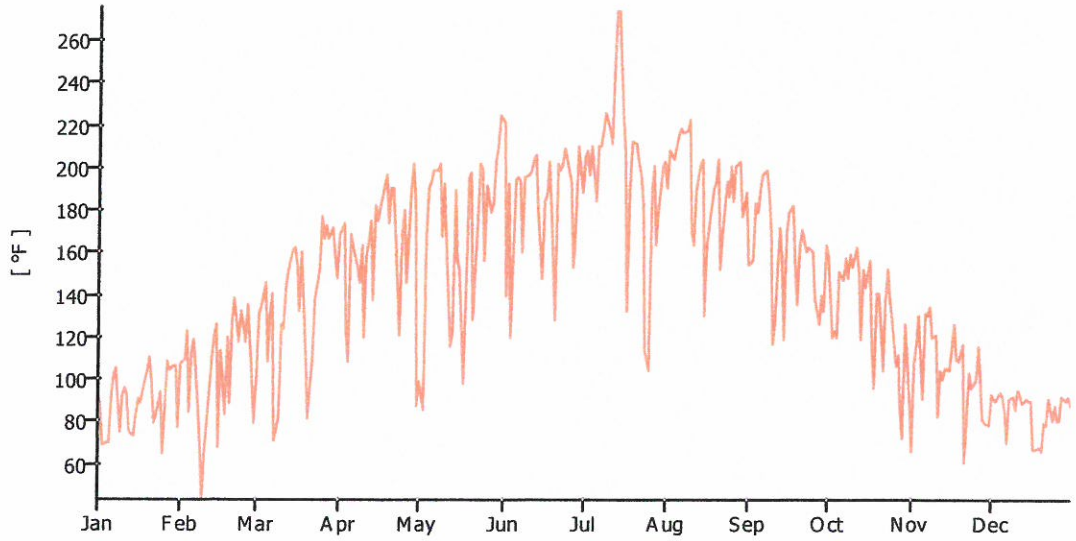
Variant 1

Solar energy consumption as percentage of total consumption



Daily maximum collector temperature



These calculations were carried out by T*SOL Pro 5.5 (R3) - the simulation program for solar thermal heating systems. The results are determined by a mathematical model calculation with variable time steps of up to 6 minutes. Actual yields can deviate from these values due to fluctuations in climate, consumption and other factors. The system schematic diagram above does not represent and cannot replace a full technical drawing of the solar system.

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Variant 1

Financial analysis

System	
Active surface area:	65.66 ft²
System yield:	9.57 MMBtu
Annual fuel savings:	107,104.8 gal Natural gas (H)
Financial analysis parameters	
Life span:	20 Years
Interest on capital:	2.5 %
Reinvestment return:	2.5 %
Energy cost escalation rate:	3.0 %
Running cost escalation rate:	1.5 %
Financing	
Total investments:	6,100 $
Subsidies:	0 $
Remaining investment:	6,100 $
Running costs in first year:	0 $
Savings in first year:	203 $
Financial analysis	
Cost of solar energy:	0.041 $/kBtu
Capital return time:	---
Amortization period:	---
Profitability	
Return on assets:	89.3 %
Return on equity:	89.3 %
Internal rate of return rate, IRR:	---
Net present value:	-1,956 $
Reinvestment premise	
Profit:	691 $
Modified internal rate of return, MIRR:	0.54 %

-

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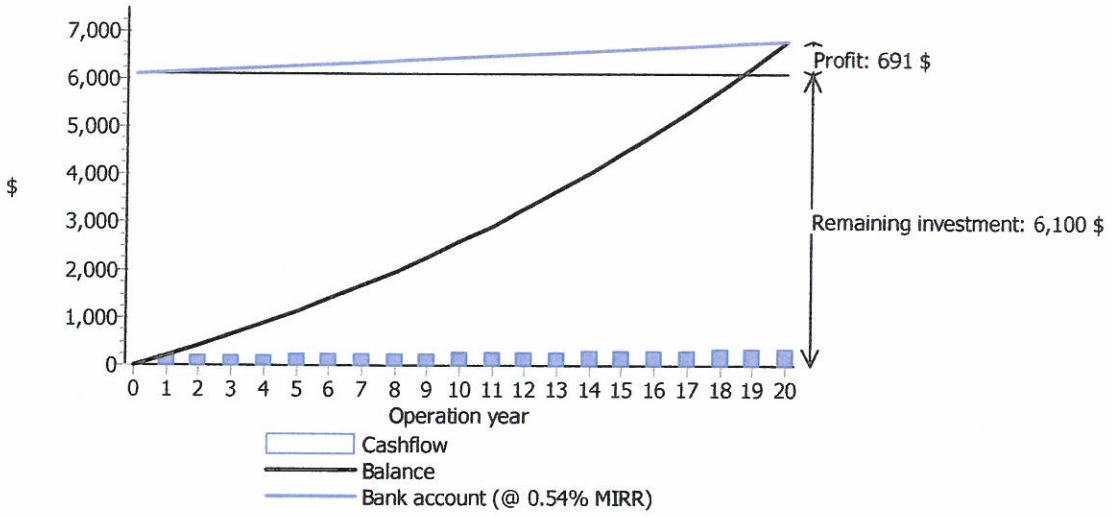
Variant 1

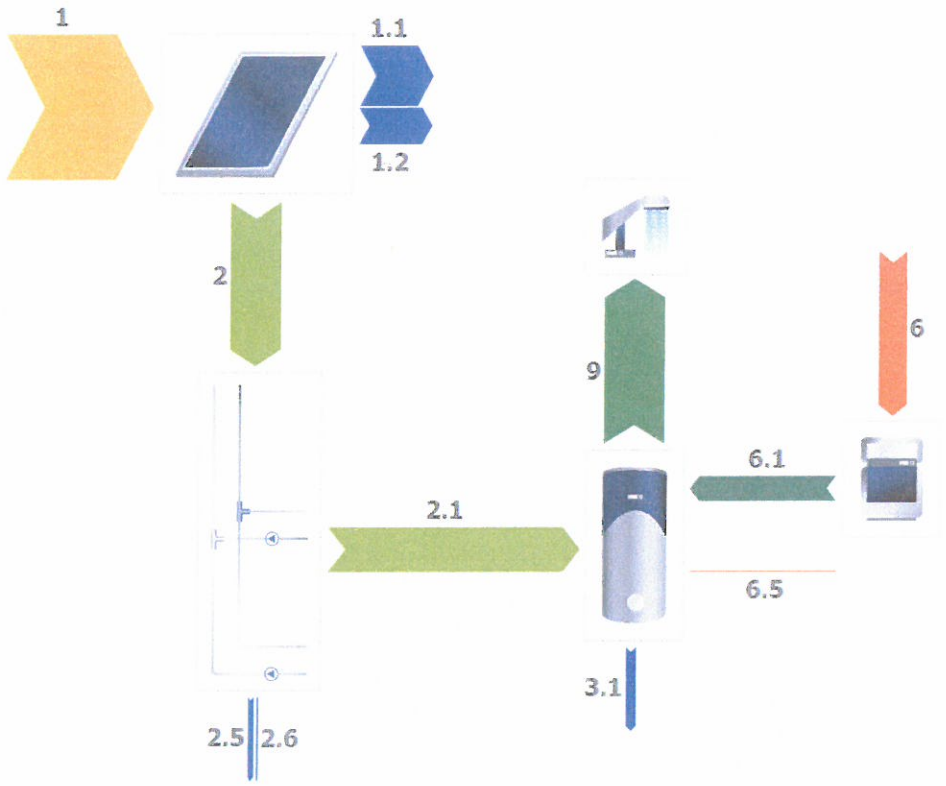

7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
$
Profit: 691 $
Remaining investment: 6,100 $
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
Operation year
Cashflow
Balance
Bank account (@ 0.54% MIRR)

-

-

Variant 1

Energy balance schematic



Legend

1	Irradiation on to collector surface (active)	34 MMBtu
1.1	Optical collector losses	14 MMBtu
1.2	Thermal collector losses	8 MMBtu
2	Energy from collector array	12 MMBtu
2.1	Solar energy to storage tank	10 MMBtu
2.5	Internal piping losses	1,121 kBtu
2.6	External piping losses	181 kBtu
3.1	Tank losses	1,965 kBtu
6	Final energy	7 MMBtu
6.1	Supplementary energy to tank	6 MMBtu
6.5	Electric element	0 kBtu
9	DHW energy from tank	14 MMBtu

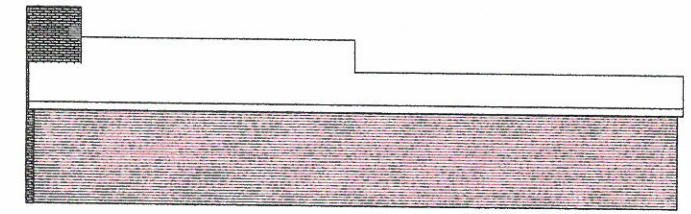
-

-

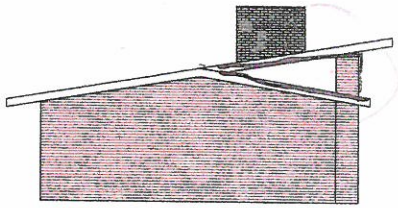
Variant 1

Glossary

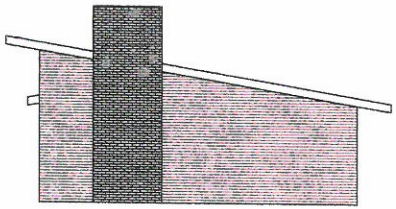
1	**Irradiation on to collector surface (active)** Solar energy irradiated onto tilted collector area (active surface area)
1.1	**Optical collector losses** Reflection and other losses
1.2	**Thermal collector losses** Heat conduction and other losses
2	**Energy from collector array** Energy output at collector array outlet (i.e. before piping)
2.1	**Solar energy to storage tank** Energy from collector loop to storage tank (minus piping losses)
2.5	**Internal piping losses** Internal piping losses
2.6	**External piping losses** External piping losses
3.1	**Tank losses** Heat losses via surface area
6	**Final energy** Final energy supply to system. This can be supplied from natural gas, oil or electricity (not including solar energy) and takes efficiency into account.
6.1	**Supplementary energy to tank** Supplementary energy (e.g. boiler) to tank
6.5	**Electric element** Energy from electric water heater element
9	**DHW energy from tank** Heat from tank (exluding circulation) for DHW consumption



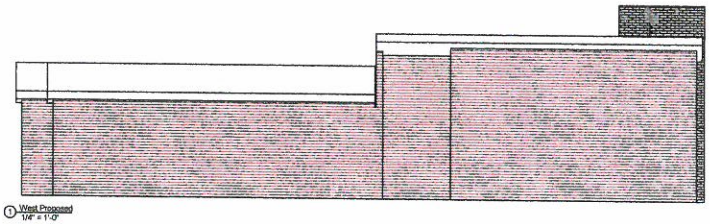
④ East Proposed
1/4" = 1'-0"



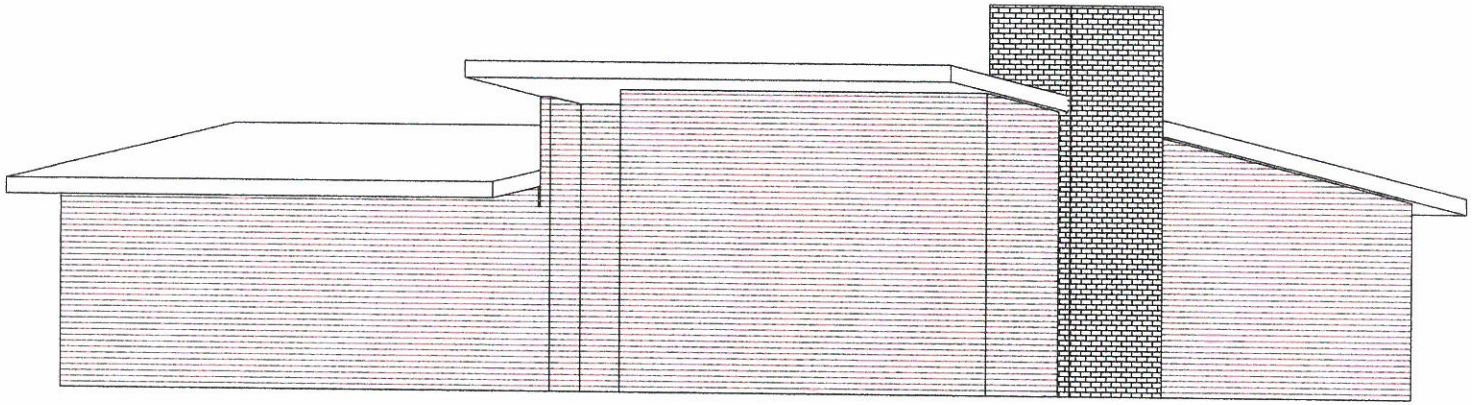
③ North Proposed
1/4" = 1'-0"



② South Proposed
1/4" = 1'-0"



① West Proposed
1/4" = 1'-0"



⑤ Proposed

Autodesk Revit

Jonathan Anderson

Project Name

Proposed Structure

Drawn By Brian Flint

Scale 1/4" = 1'-0"

1/9/2013 3:52:19 PM

300

310

325

540 19th St. Karen & Alan Urbanowski

We see the the benifit of the Plans. Alan Urbanowski

1950 KING AVE - PHILIP SCHREIBER

THIS PLAN REPRESENTS AN IMPROVEMENT TO THE AESTHETICS OF OUR NEIGHBORHOOD.

1950 KING AVE - ELIZABETH DEE

I fully approve of the plans. Heretofore Mr. Anderson has already made significant improvements to the property.

315 20th St Larry and Ann Thomas

We ~~consider it~~ have received all the plans and have no objection to what is planned.

311 19th St Fully approves - Will Knox

1900 King Ave. Approve W. B. Wood

325 19th St - Diane Knudsen - I would approve of this change.

1880 Bluebell Ave - Christ Melissa Reeve - we have no objection to this change. It would be an improvement to the neighborhood.

1900 Bluebell Ave - Neil & Martha - No problem!

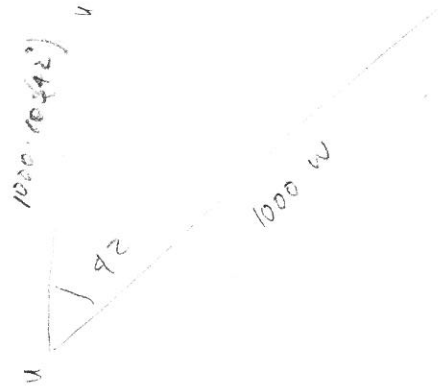
200 Brook Place - looks fine to us. R. R/NB

290 Brook Place - [signature]

1800 King Ave - Colin Ferrian - Plan explained to me is OK

301 19th St. Suzy Ageton

I think the plans are well thought out and will create a good improvement. I approve of the changes. Suzy Ageton



City of Boulder Planning and Development Services
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevelop.net

BOZA
VARIANCE APPLICATION

APPLICATION DEADLINE IS 4:00 P.M. ON THE THIRD WEDNESDAY OF EACH MONTH.
MEETING DATE IS 5:00 P.M. ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.

Submittal of inaccurate or incomplete information will result in rejection of the application.

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 2003 Pine Street
- Legal Description: Lot 8 Block 141 Subdivision East Boulder (Or attach description.)
- Existing Use of Property: Single Family Residential
- Description of proposal:

Relocate historic Barn onto property per Landmarks Board approval on February 5, 2014. Requesting a 1 foot setback to 20th Street where 12.5 feet is required and requesting a 1 foot rear yard setback to the alley where 0 feet or 3 feet is requird.

*Total floor area of existing building: 510 SF	*Total floor area proposed: 740 SF
*Building coverage existing: 510 SF	*Building coverage proposed: 499 SF
*Building height existing: 17'-0"	*Building height proposed: 19-9"

*See definitions in Section 9-16-1, B.R.C. 1981.

- **Name of Owner:** Kristin and Andrew MacDonald
- Address: 2003 Pine Street Telephone: (303) 668-0662
- City: Boulder State: CO Zip Code: 80302 FAX:
- **Name of Contact (if other than owner):** Phil McEvoy, Railton McEvoy Architects
- Address: 5377 Manhattan Circle, Suite 101 Telephone: (303) 443-4353
- City: Boulder State: CO Zip Code: 80303 FAX: (303) 443-5535

STAFF USE ONLY

Doc. No. _____ Date Filed _____ Zone _____ Hearing Date _____
Application received by: _____ Date Fee Paid _____ Misc. Rect # _____

APPLICATION TYPES

- [x] Setback Variance
- [ ] Sign Variance
- [ ] Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**11 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
- Any other information pertinent to the request (**11 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

NOTE: The applicant is responsible for posting the property in compliance with city requirements. Signs will be provided to the applicant at the time of submission of the application. The applicant will submit a posting affidavit within 10 days of the date of application. Failure to submit the affidavit may result in the postponement of the hearing date. SIGNS POSTED ON JANUARY 31 2014 BY PHIL MCEVOY ARCHITECT

NOTE: SEE SECTION 9-2-3(I), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature Andrew R Merkel Date 2-5-14

I authorize Phil McEvoy to represent me. Andrew R Merkel 2-5-14

SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS - Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be place on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, PHILIP F. MCEVOY (PRINT NAME OF APPLICANT OR CONTACT PERSON), am filing a Land Use Review or Technical Document Review application [on behalf of the property owner(s) KRISTIN & ANDREW MACDONALD (PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)] for property located at 2003 PINE STREET (PRINT PROPERTY ADDRESS OR LOCATION). I have read the city's sign posting requirements above and acknowledge and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.

2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.

3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).

4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

PHILIP F MCEVOY — NAME OF APPLICANT OR CONTACT PERSON

FEBRUARY 7, 2014 — DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

Date: February 7, 2014

Project: 2003 Pine Street

Title: Written Statement and Review of Variance Criteria

Regarding: Request For Side Yard Setback Variance to a Street and Rear Yard Setback to an Alley

To: Board Of Zoning Adjustments
February 13, 2014 Meeting

Copy to: Kristin and Andy MacDonald, Owners

From: Phil McEvoy, Architect
Railton McEvoy Architects

Written Statement

This project has been under review by various City departments and boards since May, 2013. On June 21, 2013 a Landmark Designation Application was voluntarily submitted by the owners. Plans were submitted to the Landmarks design review committee (Ldrc) through the Landmark Alteration Certificate (LAC) review process. The renovation and additions being constructed at 2003 Pine Street were approved by the Lrdc for both the house and the accessory Barn with a proposed Owner's Accessory Unit. LAC's were issued for each project on August 28, 2013. Following the issuance of the LACs, the Barn Rehabilitation and Owner's Accessory Unit proposal was reviewed by the City's Planning and Development staff at the request of the Landmark's Board. On October 7, 2013 a building permit was issued for the construction of an addition to the main house. Work is under way under this building permit. On November 6, 2013 the Landmarks Board approved the property for Landmark designation. On December 3, 2013 the Owners submitted the application for the Owner's Accessory Unit (OAU). On January 7, 2014 City Council adopted Ordinance No. 7953 designating the property as a local historic landmark to be known as the Wheeler-Macdonald House.

During engineering review of the OAU application it was determined that the historic barn could not be restored in its current location because it encroaches into the public right-of-way for 20th Street and the alley adjacent to the north property line.

Since the project had just received Landmark designation, the applicant with the help of staff, presented a proposal to relocate the historic barn onto the site with one foot setbacks on the north and west sides. These setbacks will allow for the preservation of the existing roof overhangs on the barn and allow for a new foundation to be installed below the structure. This location, just inside the northwest corner of the site is the closest to the current, historic location of the building and it will continue to relate to the existing house in the most similar condition possible while allowing for the restoration and rehabilitation of the barn.

Criteria for a Variance

Below is the applicant's written response to each of the criteria continued in Section 9-2-3(h), B.R.C. 1981.

Physical Conditions or Disability

The purpose of the variance will be to minimize the change in character of this historic property which has recently been approved for a Landmark Alteration Certificate and Landmarks Board approval for the relocation just inside the lot in the northwest corner of the site. This location on the property is as close to the historic location of the barn, while still allowing the complete restoration of the building within the Form and Bulk Standards of Chapter 9-7 of the Land Use Code.

It was determined by Engineering staff that the structure could not be properly restored, with a new foundation, given its current location slightly more than 3 feet into the 20th Street ROW and slightly over 1 foot into the alley ROW.

Energy Conservation

The proposed variance will comply with the LAC issued August 28, 2013. The LAC authorized the demolition of the shed roof addition on the east end of the barn and the construction of a new Owner's Accessory Unit. The proposed variance will maintain the plans as approved through the LAC for the OAU. This OAU has been designed and approved by Landmarks Board for compatibility with the restoration of the historic barn. The design includes the use of sprayed foam insulation system to maximize the R-Values of the walls and roof construction with a resulting projected HERZ Rating that exceeds the maximum rating of 70 allowed for an accessory dwelling.

Solar Access

A Solar Study of the proposed building with the setbacks requested has been conducted by the architect and is in compliance with Section 9-9-17, Solar Access, B.R.C 1981.

Designated Historic Property

On December 3, 2013 the Owners submitted the application for the Owner's Accessory Unit (OAU) based upon the August 28, 2013 LAC. On January 7, 2014 City Council adopted Ordinance No. 7953 designating the property as a local historic landmark to be known as the Wheeler-Macdonald House. On January 9, 2014 issues relating to the building's location in the right of way were identified in connection with the review of the building permit for the rehabilitation and addition to the accessory building. Working with staff, relocation of the accessory building to the proposed location was identified as a solution. The proposed relocation requires a setback variance from BOZA. The proposed building relocation for the barn restoration and OAU addition has been reviewed by the Landmarks Board and received unanimous approval on February 5, 2014. During the hearing, Abbey Daniels, of Historic

Boulder, expressed their support for the project and setback variance.

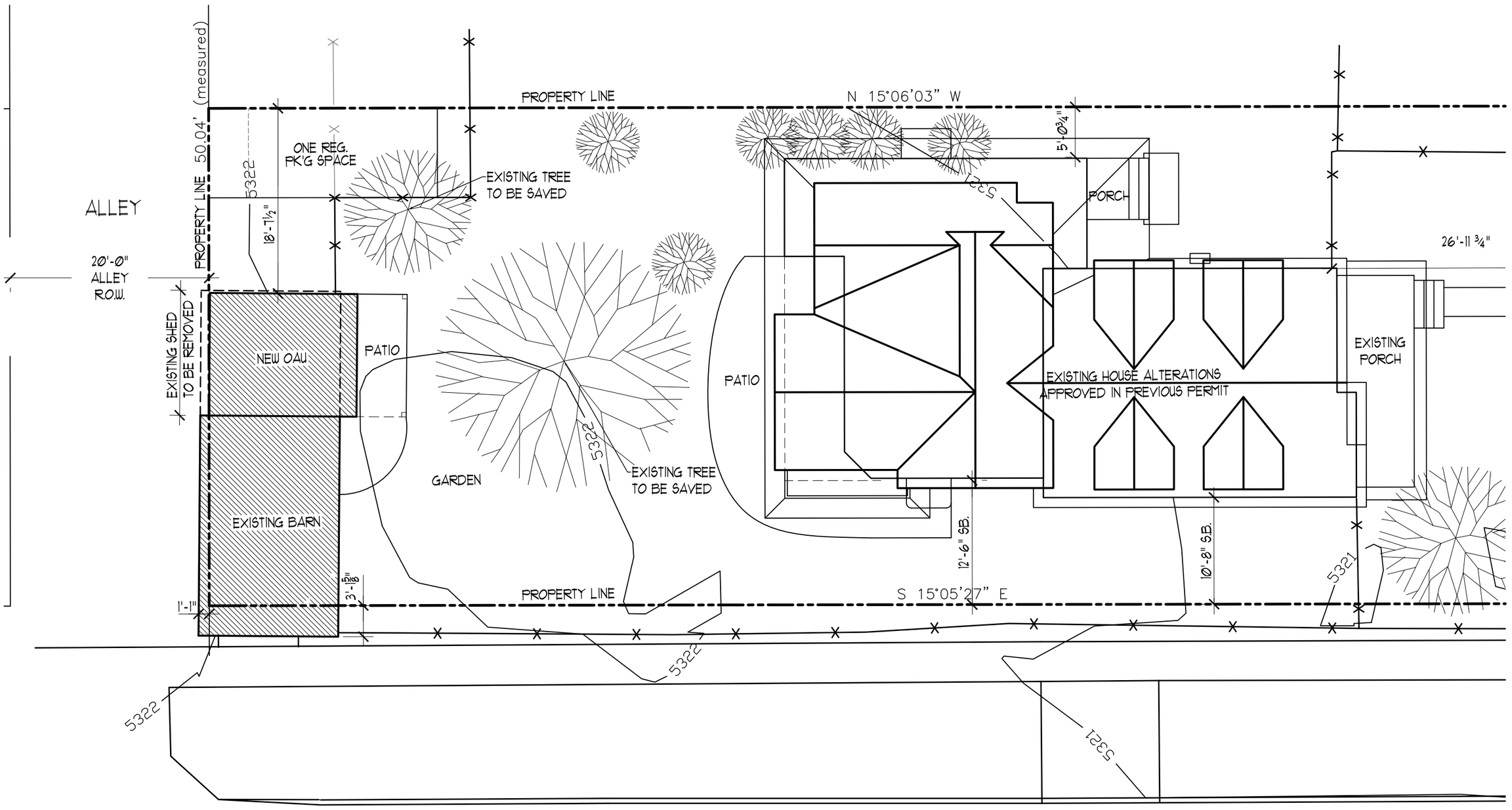
Requirements for All Variance Approvals

(A) The proposed location of the barn is similar to other existing accessory buildings in the same alley that have zero or close to zero rear yard setbacks. This location will not significantly alter the historic relationship of the house and barn on this property. The house and barn/OAU project was approved for Landmark status by City Council on January 7, 2014. On February 5, 2014 the relocation of the barn was supported by Landmarks Board for its preservation of the site characteristics.

(B) The subject lot is on the northeast corner of 20th and Pine Streets. As proposed, the new location would offer an increased setback to the nearest adjacent neighboring building across the alley to the north. Additionally, the adjacent neighbor to the east (Joan Cernich, 2011 Pine Street) has expressed support for the project. The proposal will have the added benefit of improving sight lines for access to and from the alley onto 20th Street and increase safety for pedestrians on the sidewalk.

(C) The existing accessory building has been in its location within the right of way since it was constructed in the 1890's. The setback variance will allow the building to be relocated to the proposed location, which will allow for the rehabilitation of the building and will have minimal impact on the historic relationship of the accessory building to the house. The proposed placement of the building would be the minimum variance that would afford relief. The proposed placement of the building would be to relocate the building four feet to the east from 20th Street and two feet to the south of the alley. The additional one foot from each setback is proposed to allow the preservation of the historic roof overhangs and is thus the minimum variance that allows for the complete restoration of the barn. Relocation of the building will eliminate the encroachment into both rights-of-way. The variance will allow the addition of the approved OAU, which is smaller at 447 sq. ft. than the maximum size allowed. The variance will aid in the preservation of a mature fruit tree and provide clearance for one off street parking space. As proposed, the OAU will measure 12.3 feet east to west while the shed to be removed is currently 14.4 feet. The proposal will reduce the overall length of the building.

(D) The project architect has conducted a Solar Study for the barn and has determined it will meet the provisions of Section 9-9-17, Solar Access, B.R.C. 1981.



SITE PLAN AS PREVIOUSLY APPROVED BY L.A.C.

L.A.C. DATED AUGUST 28, 2013

SCALE: 1:10

RAILTON·McEVOY
ARCHITECTS
BOULDER

PROJECT CONCEPTS · RESIDENCES
RESTORATION · CORPORATE DESIGN

5377 Manhattan Circle, Suite 101
Boulder, Colorado 80303
(303) 443-4353 · FAX 443-5535

2003 PINE STREET
BOULDER, COLORADO

JOB NUMBER: 1207 HIS2013-00145
DATE: 2/07/14
DRAWING TITLE: PROPOSED BUILDING MOVE
DRAWN: NRA
CHECKED:
SCALE: AS NOTED

REVISIONS	DATE	DRAWN

A0

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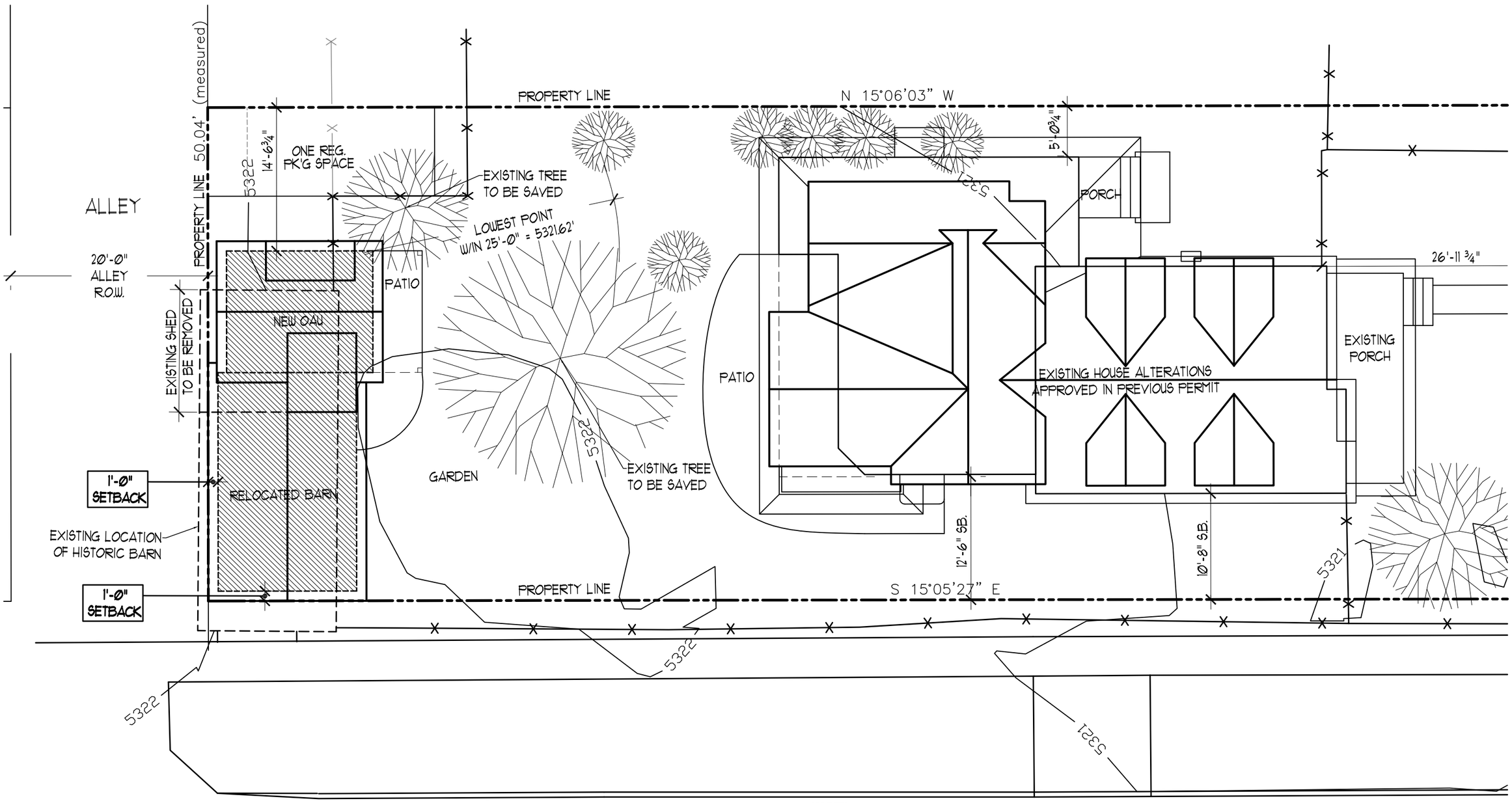

NORTH

PROPOSED SITE PLAN WITH BARN MOVED ON TO PROPERTY AS APPROVED BY LANDMARKS BOARD 2-5-2014

SCALE: 1:10

RAILTON·McEVOY
ARCHITECTS
BOULDER

PROJECT CONCEPTS · RESIDENCES
RESTORATION · CORPORATE DESIGN

5377 Manhattan Circle, Suite 101
Boulder, Colorado 80303
(303) 443-4353 · FAX 443-5535

2003 PINE STREET
BOULDER, COLORADO

JOB NUMBER: 1307 H152003-00145
DATE: 2/07/14
DRAWING TITLE: PROPOSED BUILDING MOVE
DRAWN: NRA
CHECKED:
SCALE: AS NOTED

REVISIONS	DATE	DRAWN

A1

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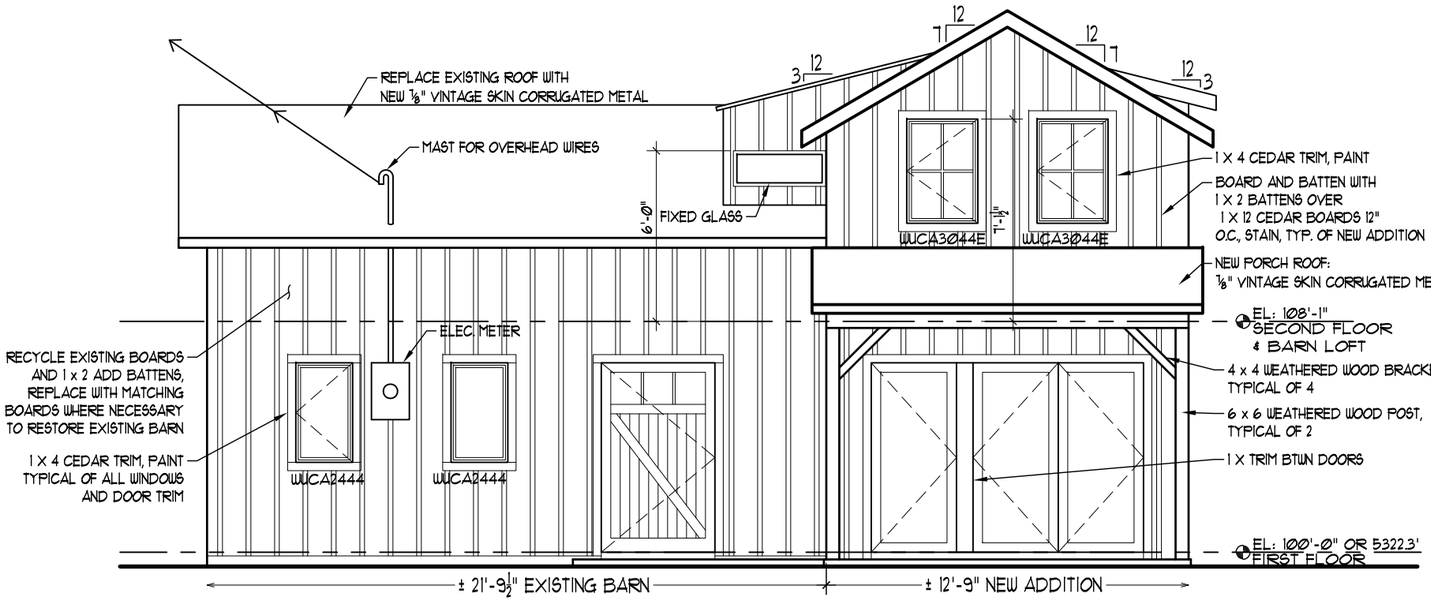
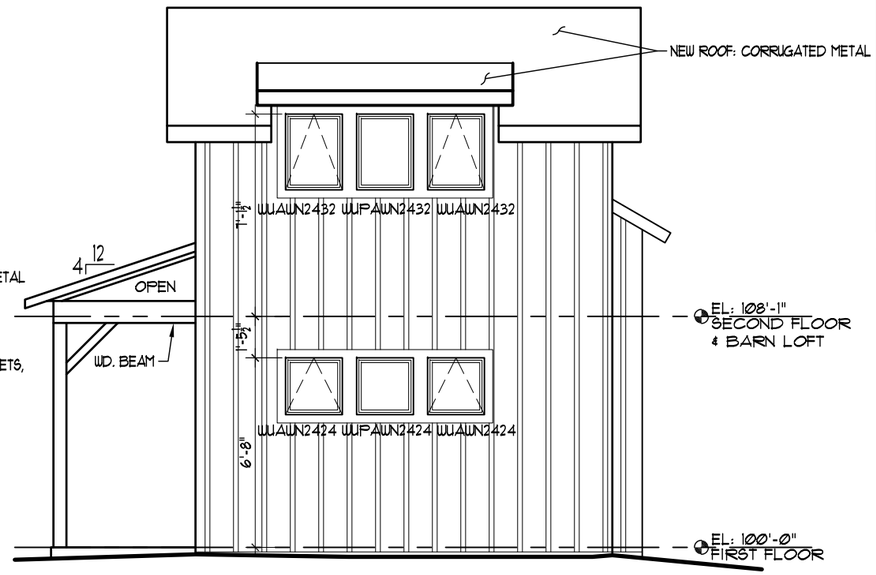


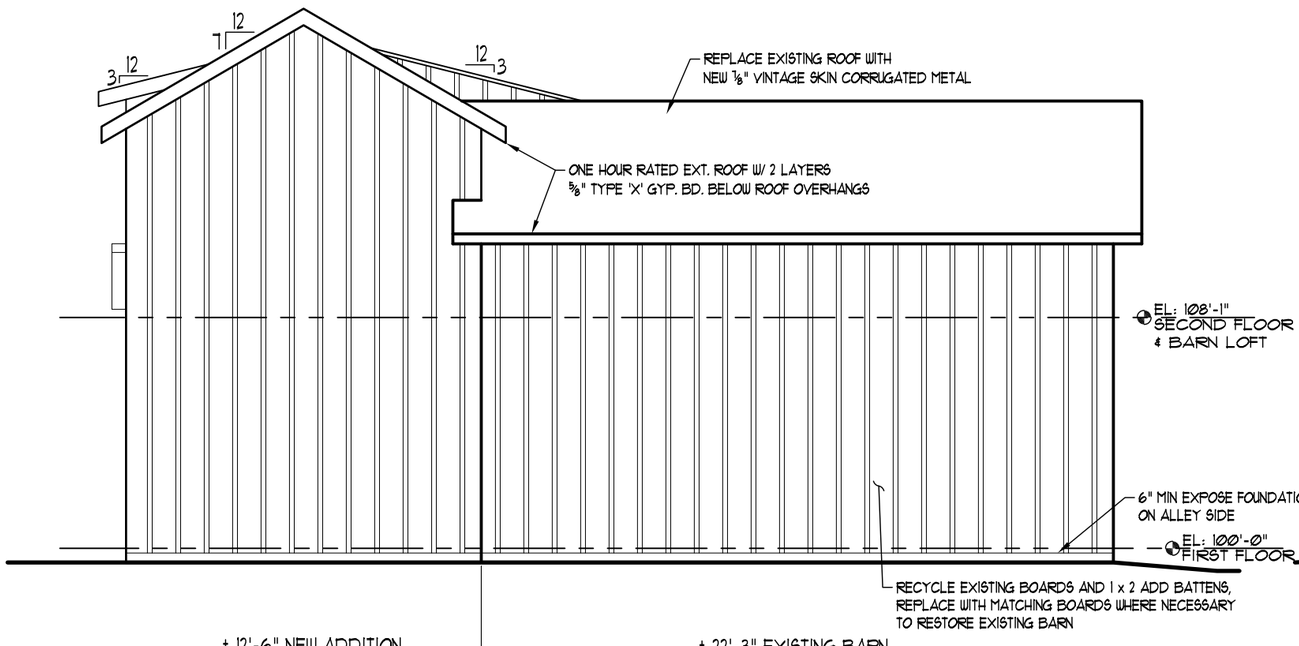
SOUTH ELEVATION

SCALE: 3/16"=1'-0"



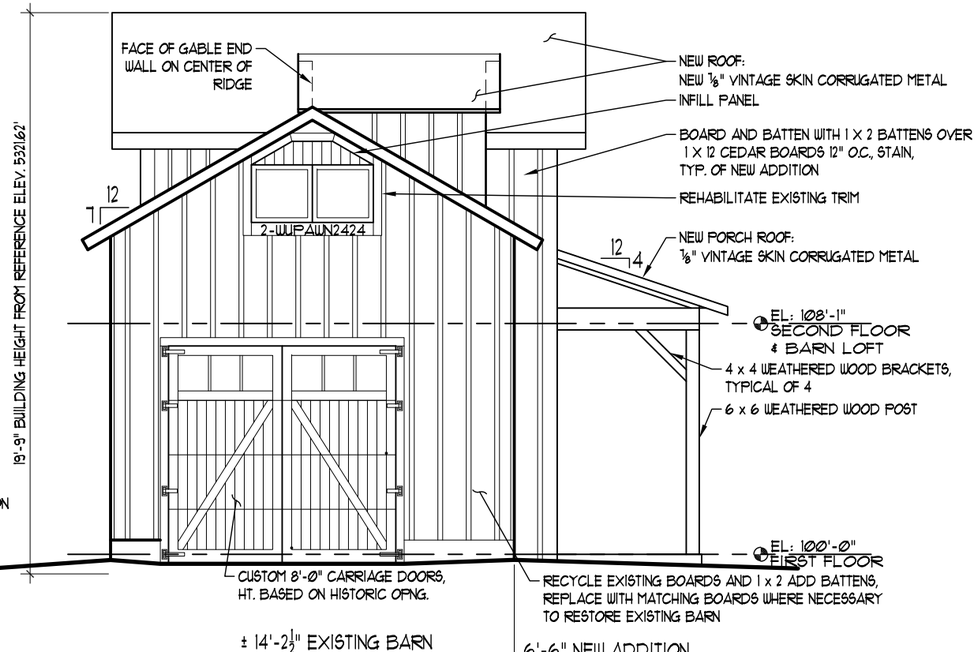
EAST ELEVATION

SCALE: 3/16"=1'-0"



NORTH ELEVATION

SCALE: 3/16"=1'-0"



WEST ELEVATION

SCALE: 3/16"=1'-0"

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BOULDER

PROJECT CONCEPTS · RESIDENCES
RESTORATION · CORPORATE DESIGN

5377 Manhattan Circle, Suite 101
Boulder, Colorado 80303
(303) 443-4353 · FAX 443-5535

2003 PINE STREET
BOULDER, COLORADO

JOB NUMBER: 1307 H162013-00145
DATE: 2/07/14
DRAWING TITLE: ELEVATIONS
DRAWN: NRA
CHECKED:
SCALE: AS NOTED

REVISIONS	DATE	DRAWN

A2

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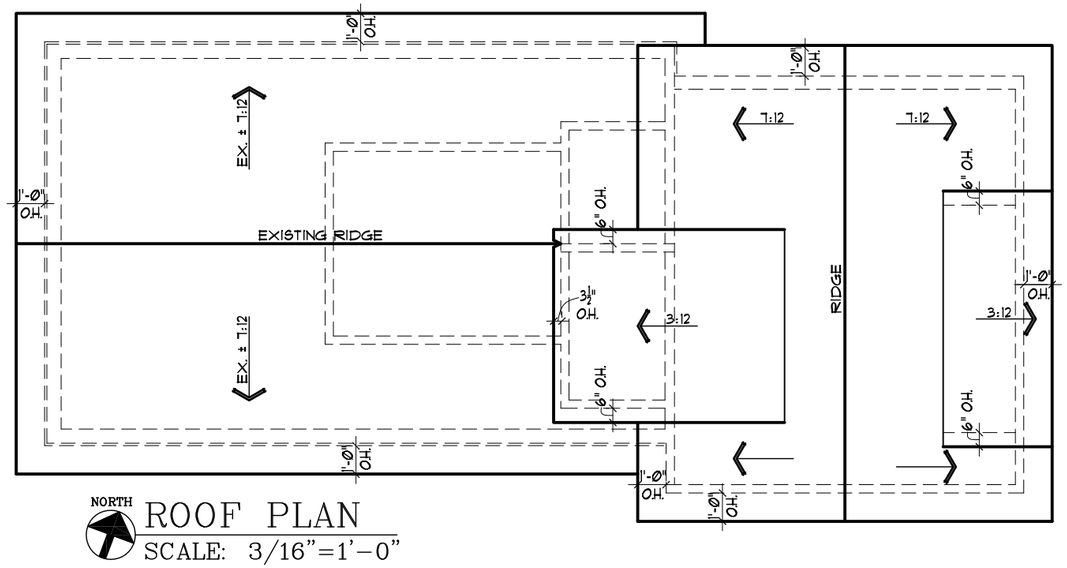
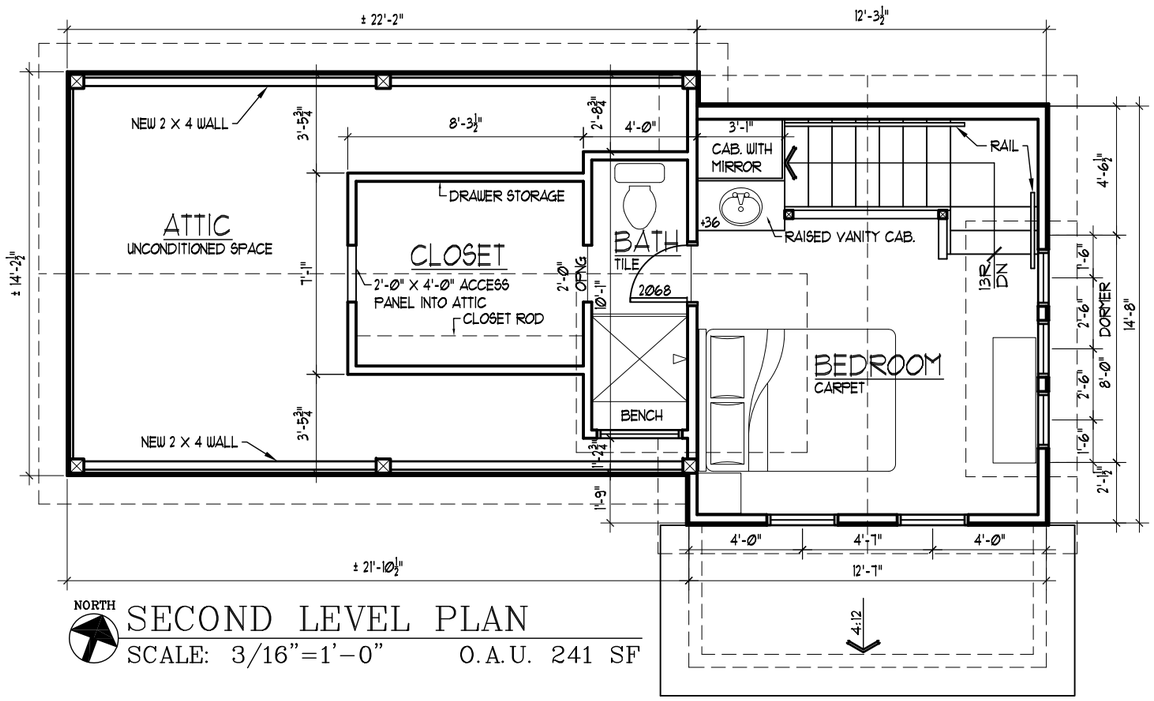


NORTH

ROOF PLAN

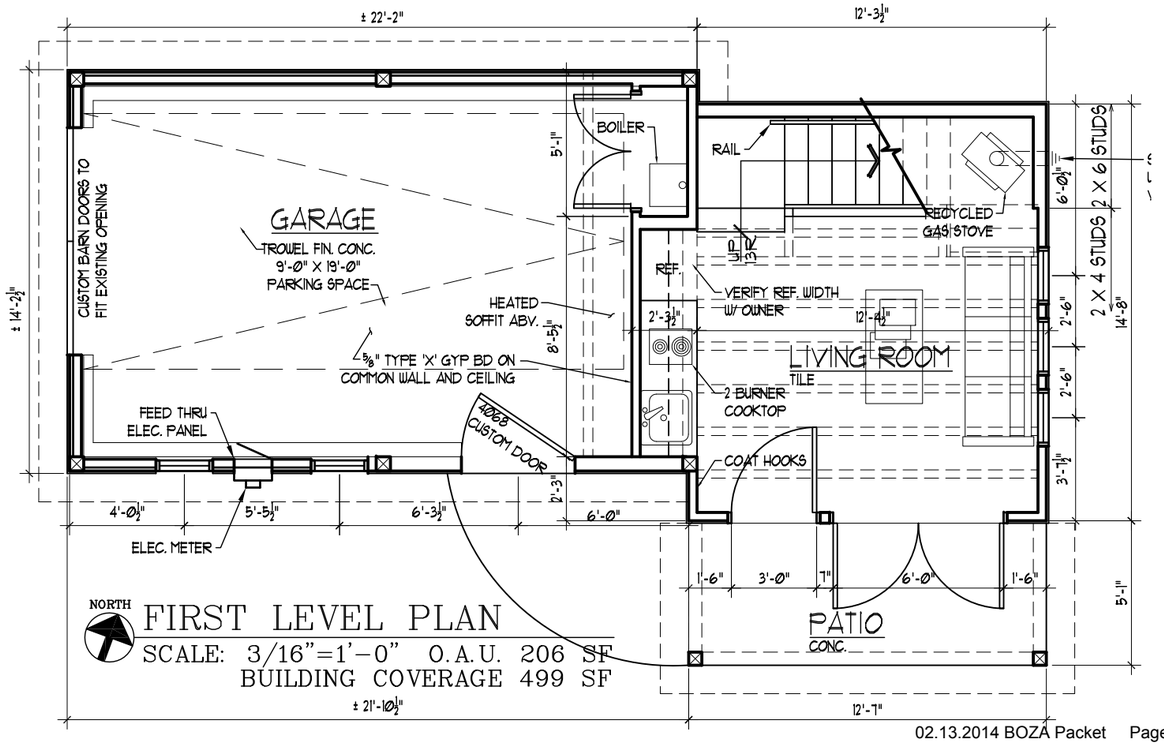
SCALE: 3/16"=1'-0"



NORTH

SECOND LEVEL PLAN

SCALE: 3/16"=1'-0" O.A.U. 241 SF



NORTH

FIRST LEVEL PLAN

SCALE: 3/16"=1'-0" O.A.U. 206 SF

BUILDING COVERAGE 499 SF

RAILTON·McEVOY
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BOULDER

PROJECT CONCEPTS · RESIDENCES
RESTORATION · CORPORATE DESIGN

5377 Manhattan Circle, Suite 101
Boulder, Colorado 80303
(303) 443-4353 · FAX 443-5535

2003 PINE STREET
BOULDER, COLORADO

JOB NUMBER: 1307 H152013-00145
DATE: 2/07/14
DRAWING TITLE: FLOOR PLANS
DRAWN: NRA
CHECKED:
SCALE: AS NOTED

REVISIONS	DATE	DRAWN

A3

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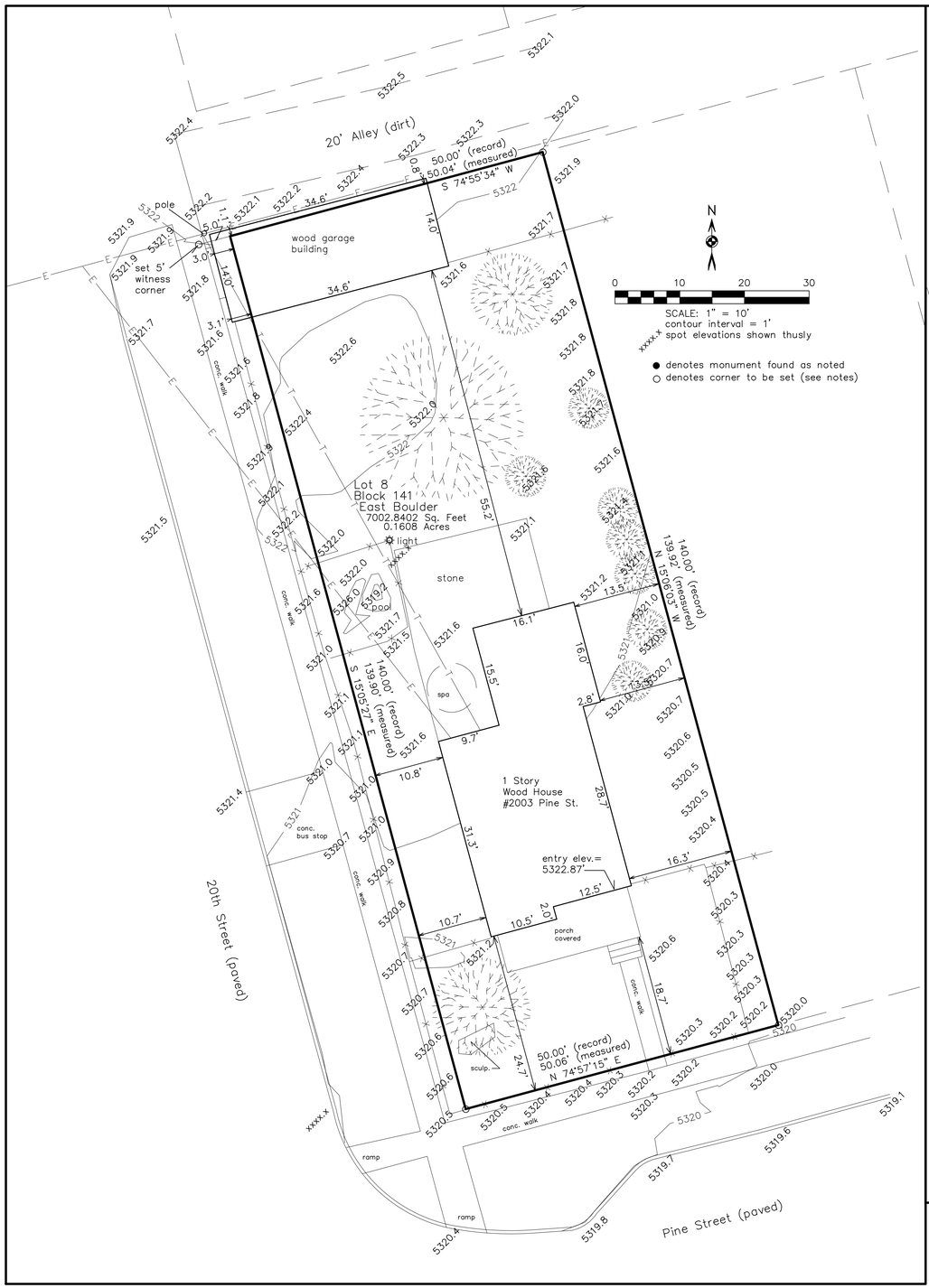
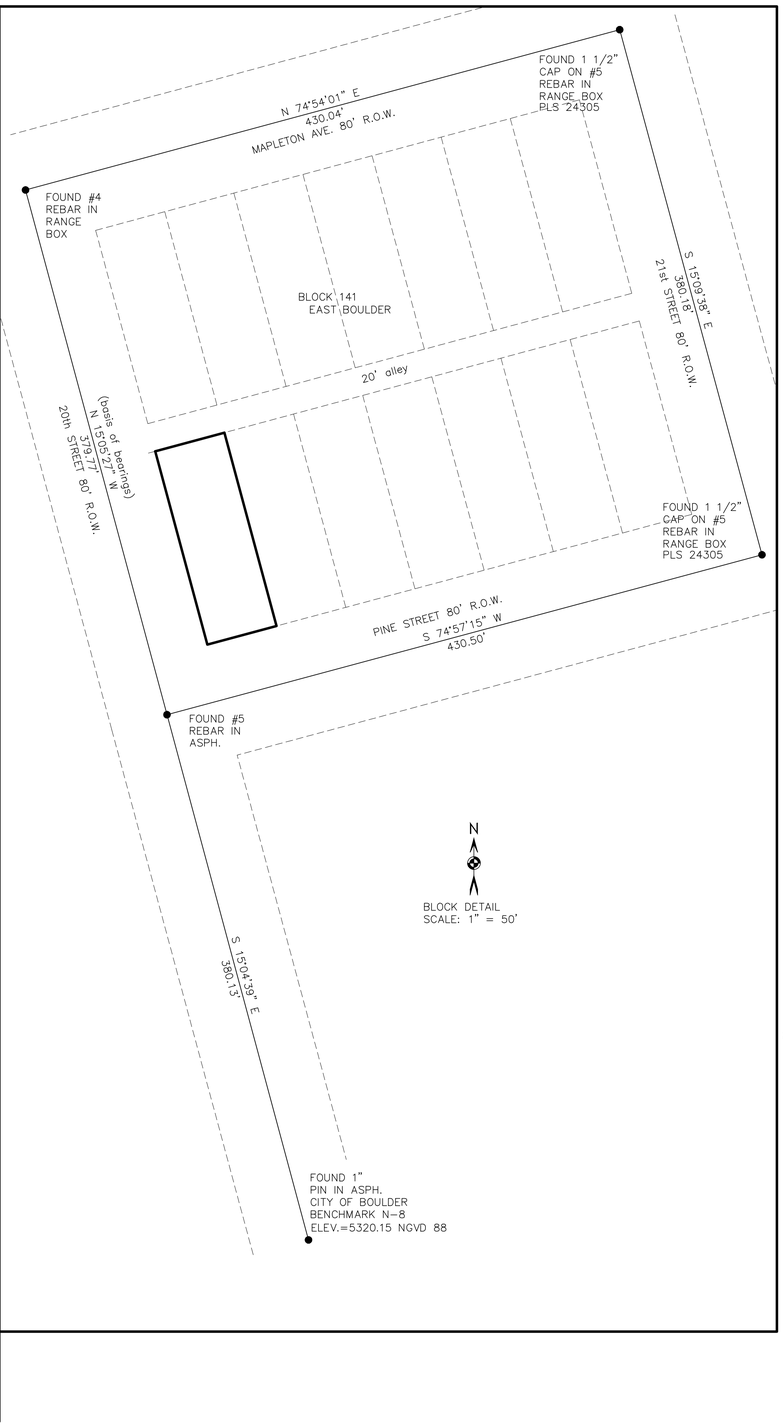
IMPROVEMENT SURVEY PLAT
& TOPOGRAPHIC SURVEY
OF LOT 8, BLOCK 141,
EAST BOULDER
LOCATED IN THE NE 1/4 SECTION 30 T-1-N, R-70-W OF THE SIXTH P.M., CITY AND COUNTY OF BOULDER, STATE OF COLORADO





BASIS OF BEARINGS: (ASSUMED)

THE BASIS OF BEARINGS OF THIS SURVEY IS THE LINE BETWEEN THE FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON, THE LINE BETWEEN THE FOUND No.5 REBAR IN ASPH. MARKING THE INTERSECTION OF THE CENTERLINES OF PINE ST. AND 20TH ST. AND THE FOUND No.4 REBAR IN RANGE BOX MARKING INTERSECTION OF THE CENTERLINES OF MAPLETON AVE. AND 20TH ST., IS ASSUMED TO BEAR N 15°05'27" W AND MEASURES 379.77'.

NOTES:

1. A SEARCH FOR EASEMENTS OF RECORD WAS NOT MADE AS PART OF THIS SURVEY.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY PETER M. PALOMBO P.L.S.
3. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508,C.R.S.
4. ACCORDING TO COLORADO STATE LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
5. PROPERTY CORNERS SET ARE 18" LONG NO.5 REBAR WITH 1 ½" ALUM. CAP STAMPED 33197. IN THE EVENT THAT A CORNER TO BE SET FALLS ON SOLID ROCK OR CONCRETE A 2" CONCRETE NAIL AND WASHER STAMPED 33197 WILL BE SET.
6. THE DISTANCE MEASUREMENTS USED HEREON ARE IN US SURVEY FEET.
7. BASIS OF ELEVATIONS IS CITY OF BOULDER BENCHMARK N-8 LOCATED AT THE INTERSECTION OF SPRUCE STREET AND 20TH STREET, ELEVATION = 5320.15' (NGVD 1988 DATUM)

LEGAL DESCRIPTION:

LOT 8,
BLOCK 141,
EAST BOULDER,
CITY AND COUNTY OF BOULDER,
STATE OF COLORADO.

SURVEYOR'S CERTIFICATE

I Peter M. Palombo, a Colorado Registered Professional Land Surveyor, do hereby certify that the survey was performed by me or under my responsible charge, supervision and checking in accordance with Colorado State Law, and that it is correct to the best of my professional knowledge, belief and opinion, and that this plat accurately and properly shows the parcels described herein and the survey thereof.

Signed:_____ Date: 4-30-13 Seal:

PETER M. PALOMBO P.L.S. 33197

Tripod Geometrics Surveying LLC
Peter M. Palombo PLS
13221 BRYANT CIR.
BROOMFIELD, COLORADO 80020
PETER M. PALOMBO
PLS 33197
(720) 849-7509

DWG.: 2003.DWG DATE: 4-30-13 1 OF 1